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August 5, 2020

By Hand Delivery and E-Mail

Harpswell Board of Appeals
263 Mountain Road
Harpswell, ME 04079

Re: Appeal of NOV for 454 Long Point Road; Tax Map 37 Lot 71

Dear Members of the Board,

I am writing on behalf of Ryan Nesbitt regarding his appeal of the June 12, 2020 Notice of Violation (“NOV”) issued by the Harpswell Code Enforcement Office (“CEO”) for Mr. Nesbitt’s property at 454 Long Point Road.

Mr. Nesbitt has diligently sought and obtained all necessary approvals from the Town to build three modest structures and a septic system on his narrow property near the end of Long Point. The Town reviewed and permitted the plans that Mr. Nesbitt submitted. Mr. Nesbitt built the structures and the septic system and according to the Town-approved plans. The Town inspected the structures and septic system and issued a certificate of occupancy.

Now the CEO alleges that one of the structures and the septic system do not conform to various ordinance provisions, codes and rules.

The principal issue in this appeal is how many dwelling units are on Mr. Nesbitt’s property. Specifically, the Board is asked to decide whether a structure without cooking facilities that is rented out on a short-term basis constitutes a dwelling unit. As discussed below, the Town’s ordinances and the Maine Supreme Court dictate that it is not. Also discussed below, the other violations alleged by the CEO related to septic system design, egress and smoke partition requirements are also without merit.

1. Project Design and Permitting Background

In April 2019, Mr. Nesbitt submitted a building/land use permit application to the Harpswell CEO to construct the following three buildings:

- 10’ x 42’ seasonal two-bedroom, one-bathroom cottage with a kitchen (“Cottage”)
- 10’ x 24’ seasonal one-bedroom, one-bathroom building without a kitchen (“Boathouse”)
- 10’ x 20’ storage building

Plans for the project were provided by Mr. Nesbitt's builder, Barrett Made of Portland. See Attachment 1. Mr. Nesbitt's Licensed Site Evaluator, Frick and Associates of Gorham, submitted an application for installation of a subsurface wastewater disposal system (septic system) to serve the three combined bedrooms in the Cottage and the Boathouse.

Prior to submission of any of these applications, Mr. Nesbitt met with former CEO Fred Cantu to discuss the design of the proposed project to make sure it complied with the Town's requirements. Of particular note, it was discussed that the Harpswell Shoreland Zoning Ordinance ("SZO") and the Harpswell Basic Land Use Ordinance ("BLUO") both require 40,000 square feet of lot area per residential dwelling unit.

Mr. Nesbitt's lot is grandfathered to allow one dwelling unit but it lacks sufficient square footage to accommodate two dwelling units. In that context, Mr. Nesbitt told Mr. Cantu that he intended to rent the Boathouse through an internet service like Airbnb. In Mr. Nesbitt's words:

"Fred said that there is no ordinance around renting so that was fine but I couldn't have a kitchen. I said that was no problem people would be happy to get take out for short stays and we discussed what was allowed and thus the approved and built wet bar design allowing for a small fridge and microwave to reheat pre-bought food."

Accordingly, Mr. Nesbitt and his builder, on the advice of Mr. Cantu, designed the Boathouse so that it has a sink but does not have cooking facilities and would not constitute a dwelling unit. The Town signed off on Mr. Nesbitt's plans, issuing a building/land use permit on April 8, 2019, a plumbing permit on August 6, 2019, and a septic system permit on April 18, 2019. See Attachments 2 through 4.

Mr. Nesbitt constructed the buildings according to those approved plans. Specifically, the Boathouse was constructed without cooking facilities and the septic system was constructed according to the design criteria in the HHE-200 application that was approved by the Local Plumbing Inspector ("LPI").

The CEO and LPI inspected the project at the relevant points during construction and on February 4, 2020 the CEO issued a Certificate of Occupancy that incorporates by reference the building/land use permit, the plumbing permit, and the septic system permit. See Attachment 5.

In its June 10 NOV and subsequent correspondence, the CEO now takes the position that the Boathouse is a dwelling unit because Mr. Nesbitt has advertised it for rental on Airbnb and has rented it out to visitors (with a maximum occupancy of two people). The CEO also alleges that the Town-approved septic system design violates the Maine Subsurface Wastewater Disposal Rules and the Boathouse sleeping loft violates the International Residential Code and the NFPA Life Safety Code.

The Board reviews this matter de novo and does not give deference to the interpretations of the CEO. 30-A M.R.S.A. § 2691(3)(C) (Board of Appeals review is de novo where standard of review is not specified by town ordinance).

2. The Boathouse Is Neither a Dwelling Unit Nor a Dwelling

The language of the Town's ordinance and its interpretation by the Maine Supreme Court, as well as the language of the International Residential Code, make clear that neither the structure of the Boathouse nor its use as a rental property fit within the definition of a dwelling unit or a dwelling.

Harpswell defines a "dwelling unit" as follows:

"A room or group of rooms designed and equipped for use as a separate living space by a household containing cooking, sleeping and toilet facilities with free and open circulation between these areas by members of the household. A dwelling unit is intended for occupancy by one household living independently in which the members of the household share the use of common areas and have regular interaction in the course of their day-to-day activities. The term shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented but not recreational vehicles." Harpswell Definitions Addendum Ordinance at 5 (emphasis added).

Harpswell defines the term "dwelling" as "a residential structure containing one or more dwelling units, including single-unit, two (2) unit, and multi-unit residential uses, and manufactured housing but not recreational vehicles." *Id.* (emphasis added).

A. A Structure Cannot be a Dwelling Unit without "Cooking Facilities"

The Maine Supreme Court has analyzed functionally identical ordinance language and held that without cooking facilities there is no dwelling unit. "Looking to the plain language of the definition of a residential dwelling unit, its meaning is clear: a structure must contain cooking facilities, in addition to sleeping and toilet facilities, to constitute a residential dwelling unit pursuant to the SZO." *21 Seabran, LLC v. Town of Naples*, 2017 ME 3, ¶ 14.

In *Seabran*, the Law Court was asked to decide whether a structure with three bedrooms, two bathrooms, a sitting area, a washer and dryer, and an independent septic system with a design flow of 270 gallons per day constituted a "dwelling unit" such that it triggered the town's minimum lot size requirements. The Court found that it did not. "In the absence of any finding that the proposed structure contained cooking facilities, we conclude that the Board's determination that it was a residential dwelling unit for purposes of the SZO was erroneous." *Id.* ¶ 15.

As in *Seabran*, it is not in dispute that the Boathouse contains no "cooking facilities." The CEO has acknowledged this by granting the building permit per the plans that were submitted and issuing the certificate of occupancy for the buildings constructed according to those plans. Accordingly, the Boathouse does not fall within the definition of a dwelling unit under Harpswell's ordinances.¹

¹ It is worth noting that the *Seabran* Court rejected the Naples Board of Appeals' application of a "common sense" approach to determine what constitutes a residential dwelling unit, instead insisting on application of the plain meaning of the terms of the Town's ordinance. *Id.* ¶¶ 11, 15.

The CEO's reference to the 2015 International Residential Code ("IRC") does not alter the analysis. The IRC's definition of the term "dwelling unit" also requires cooking facilities: "A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation." IRC (2015) R202.

B. Use of Boathouse for Short-Term Rentals Does Not Create a Dwelling Unit

That the Boathouse may be rented and occupied by visitors does not turn it into a dwelling unit under Harpswell ordinances. In fact, the Town's definitions ordinance states the exact opposite.

Harpswell's definition of "dwelling unit" states explicitly that the cooking facilities requirement applies equally to rental units: "The term [dwelling unit] shall include mobile homes, and rental units that contain cooking, sleeping, and toilet facilities regardless of the time-period rented...." Harpswell Definitions Addendum Ordinance at 5 (emphasis added). In other words, a rental unit without cooking facilities is not a dwelling unit. As discussed above, the Boathouse does not contain cooking facilities.

Furthermore, the Maine Supreme Court has determined that the use of a given structure, specifically the fact that it may be occupied by short-term renters, does not by itself turn the structure into a dwelling unit. In *Oman v. Town of Lincolnville*, the Court upheld the Lincolnville Board of Appeals determination that rental cabins each having "a separate heating and electrical system as well as its own bathroom and kitchen" did not constitute "dwelling units" under that town's ordinance. 567 A.2d 1347 (Me. 1990). The cabins in question were rented seasonally from May to October, with "approximately 50% of the rentals for a period of one night." *Id.* at 1348. The Lincolnville ordinance defined a "dwelling unit" as "a room or group of rooms designed and equipped exclusively as living quarters for only one family...." *Id.*

"The Board declined to interpret 'dwelling unit' to include the rental cabins. The Board committed no error of law in this regard. A rental cabin serving a transient population is not 'designed and equipped exclusively for use as living quarters for only one family.'" The "living quarters for one family" definition in the Lincolnville ordinance is also contained in the Harpswell ordinance: "A dwelling unit is intended for occupancy by one household living independently...." Harpswell Definitions Addendum Ordinance at 5.

In email correspondence to Mr. Nesbitt, the CEO asserted that "under IRC code 2015 R202, the act of renting or leasing constitutes [the Boathouse] be labeled as a dwelling." This is a misreading of the IRC definition of the term "dwelling." The IRC defines a dwelling as "Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes." IRC (2015) R202 (emphasis added). The rental of a building by itself does not create a dwelling. It is the rental, among other things, of a dwelling unit that constitutes a dwelling. The CEO's interpretation reads out the fact that a "dwelling" under the IRC must consist of "dwelling units." As discussed above, the Boathouse does not meet the definition of a dwelling unit under either the IRC or Town ordinance.

C. The Permit Condition Prohibiting Occupation as a Dwelling Is Satisfied

The building permit issued to Mr. Nesbitt on April 8, 2019 contains a handwritten condition that “Accessory structure not to be occupied as dwelling.” As detailed above, under both Town ordinance and the IRC, in order for a structure to be a “dwelling,” it must contain at least one “dwelling unit.” Because the Boathouse is not a dwelling unit, it is not being “occupied as a dwelling.”

Also noted above, during the permitting process Mr. Nesbitt informed former CEO Fred Cantu that he intended to rent out the Boathouse via Airbnb. Mr. Cantu told Mr. Nesbitt that such rental was permitted under Harpswell ordinances and that the only issue was whether or not the Boathouse had cooking facilities such that it would constitute a dwelling unit. Thus, the condition handwritten by Mr. Cantu on the building permit was not intended to apply to rental of the Boathouse. Mr. Nesbitt understood from Mr. Cantu that the condition was simply a restatement that the Boathouse could not contain cooking facilities.

Accordingly, neither the design (approved by the CEO at multiple stages) nor the rental (also approved by the CEO) of the Boathouse render it a “dwelling unit” such that it triggers the Town’s minimum lot area requirements.

3. Mr. Nesbitt’s Septic System Was Built in Reliance on and According to a Duly Issued Town Permit

The CEO’s July 22, 2020 letter to Mr. Nesbitt states that “State requires a dwelling unit to have a 2 bedroom = 180 GPD rating minimum.” The CEO appears to allege that the Boathouse constitutes a dwelling unit under the Maine Subsurface Wastewater Disposal Rules (Wastewater Rules), thereby imposing a larger design capacity than the septic system installed at Mr. Nesbitt’s property. However, this interpretation is at odds with the approval issued by the Town for Mr. Nesbitt’s septic system.

The Wastewater Rules define a “dwelling unit” as “Any structure or portion of a structure, permanent or temporary in nature, used or proposed to be used as a residence seasonally or throughout the year.” 10-144 CMR 241 § 14. The Wastewater Rules don’t directly define the term “residence” but refer to the term “realty improvement,” which is defined as “Any new residential, commercial, or industrial structure, or other premises, including but not limited to condominiums, garden apartments, town houses, mobile homes, stores, office buildings, restaurants, and hotels, not served by an approved public sewer, the useful occupancy of which will require the installation or construction of [septic] systems.” *Id.*

Under the Wastewater Rules, minimum septic system capacity is calculated based upon the number of bedrooms and the number of dwelling units. Each bedroom in a dwelling unit requires a minimum flow of 90 gallons per day (“GPD”). However, each dwelling unit requires a minimum flow of 180 GPD, regardless of the number of bedrooms. *Id.* § 4(E)(1). Thus, if the one-bedroom Boathouse constitutes an independent dwelling unit under the definition in the Wastewater Rules, it would need a septic system capacity of 180 GPD in addition to the 180 GPD required for the two-bedroom Cottage.

Mr. Nesbitt's septic system is designed for a minimum flow of 270 GPD, the size required for a single dwelling unit with three bedrooms. This flow rate accommodates the two bedrooms in the Cottage and the one bedroom in the Boathouse. As noted above, the design for Mr. Nesbitt's septic system was reviewed and approved by Harpswell's Local Plumbing Inspector. The system was installed according to the approved plans. On August 26, 2019, the Harpswell LPI inspected the completed system and found it to be in compliance with the Wastewater Rules. See Attachment 4. On February 4, 2020, a certificate of occupancy incorporating the validated septic permit was issued by the CEO.

Thus, Mr. Nesbitt proceeded with installation of the subsurface wastewater system in reliance on the Town-issued septic permit and in accordance with the approved design. As such, Mr. Nesbitt has obtained vested rights in the septic permit and the Town is estopped from revoking or altering it. *See Sahl v. Town of York*, 2000 ME 180, ¶ 13 ("the rights of a building permit applicant may vest if the applicant makes a substantial good faith change ... in reliance on the zoning law in effect at the time of the application") (internal quotations omitted).

There are three bedrooms on Mr. Nesbitt's property. The septic system is designed to accommodate three bedrooms. The design of the septic system and the buildings it serves is no different now than it was when the plans were reviewed and approved by the Town. Nor is the design different now than when the Town inspected the installed system and found it in compliance with the Wastewater Rules. At those times, the Town's interpretation of the Wastewater Rules was apparently that the Boathouse does not constitute an independent dwelling unit.

The CEO cannot now change its interpretation after Mr. Nesbitt has completed construction of the septic system in reliance on the approvals duly issued by the Town. Accordingly, Mr. Nesbitt respectfully requests that the Board find that the CEO is estopped from imposing new design requirements on the septic system that has already been properly permitted and installed.

4. Access to and Design of the Boathouse Loft Complies with Relevant Codes

The NOV alleges that the 8' x 10' sleeping loft in the Boathouse is out of compliance with provisions of the International Residential Code ("IRC") and the National Fire Protection Association ("NFPA") code that have been adopted in Maine.

A. Loft Access Complies with the Most Recent Version of the IRC

The sleeping loft in the Boathouse is accessed by a "ships ladder," which was inspected and approved by the CEO prior to issuance of the certificate of occupancy. The ships ladder installed in the Boathouse is a commonly used means of accessing sleeping lofts. See Attachment 6. The loft also has a window that constitutes a code-compliant secondary means of egress. See Attachment 7.

The NOV references section R311.7 of the 2015 IRC that regulates dimensional requirements of egress stairways. Under the 2015 IRC, the version that is currently adopted in Maine, ships ladders cannot be used as an element of a means of egress. IRC (2015) R311.7.12.

However, Mr. Nesbitt's builder, Barrett Made, designed and built the ships ladder in the Boathouse to be compliant with the 2018 version of the IRC, which states that "Ships ladders are allowed to be used as an element of a means of egress for lofts, mezzanines and similar areas of 200 gross square feet or less." IRC (2018) R11.7.12. The Boathouse loft is approximately 80 square feet in area. Thus, under the most recent version of the code, access to the loft is fully compliant.

The IRC gives the CEO and the Board the authority to allow modifications of code requirements where strict application would be impractical and the modification would not impair health, life and fire safety, or structural requirements. IRC (2015) R104.10. Installation of a full stairway to the loft is impractical due to the compact footprint of the Boathouse. The drafters of the IRC have determined that the ships stairs in the Boathouse satisfy health, life and fire safety, and structural concerns based on the fact that they are compliant with the 2018 IRC.

Accordingly, Mr. Nesbitt requests that the Board instruct the CEO to allow the existing ships stairs to remain under the modification authority of IRC (2015) R104.10 and consistent with the 2018 IRC.

B. Loft Design Complies with NFPA Life Safety Code

The Boathouse sleeping loft, by definition, is partially open on one side to the main space below. See Attachment 6.

In reference to the loft, the NOV references Chapter 26 of the NFPA 101 Life Safety Code ("NFPA 101"), which addresses requirements for "lodging or rooming houses." The specific code sections cited by the CEO require "sleeping rooms" to be "separated from escape route corridors by smoke partitions," NFPA 101 26.3.5.1, and to have latching doors, NFPA 101 26.3.5.5. In other words, the CEO alleges that the Boathouse sleeping loft must be fully enclosed with a wall and a door.

However these NFPA 101 Chapter 26 requirements only apply to lodging or rooming houses, which the Boathouse is not. Under Maine law, the term "lodging place" explicitly "does not include vacation rentals." 22 M.R.S.A. § 2491(7-F). "Private homes are not deemed or considered lodging places and subject to a license when not more than 5 rooms are let." *Id.* § 2501. "Rooms and cottages are not deemed or considered lodging places and subject to a license where not more than 3 rooms and cottages are let." *Id.*

It makes sense that rental of such living quarters should not be subject to the lodging or rooming requirements of NFPA 101 Chapter 26, which are aimed at larger commercial establishments. For example new lodging or rooming houses must be "protected throughout by an approved automatic sprinkler system." NFPA 101 26.3.6.1. In buildings without an automatic sprinkler system, "doors must be self-closing or automatic closing upon the detection of smoke." NFPA 101 26.3.5.7. Interior stairways must be fully enclosed with fire-rated walls and doors. NFPA 101 26.2.2.1. Imposing these and other Chapter 26 requirements on the residential vacation rentals that occur throughout Harpswell would be inconsistent with Maine law and with accepted local practice.

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Finally, the building plans submitted to and permitted by the CEO depict a Boathouse sleeping loft without a smoke curtain or a door. Mr. Nesbitt proceeded with construction based on and in accordance with the Town's approval. Thus, vested rights in the approved design have accrued and the Town should be estopped from altering the approval.

Accordingly, Mr. Nesbitt respectfully requests that the Board find that the NFPA 101 Chapter 26 on lodging and rooming houses does not apply to the low-occupancy vacation rental of the Boathouse.

Thank you very much for your time and attention to this appeal. Mr. Nesbitt and I look forward to appearing and answering any questions at the Board's next meeting.

Sincerely,

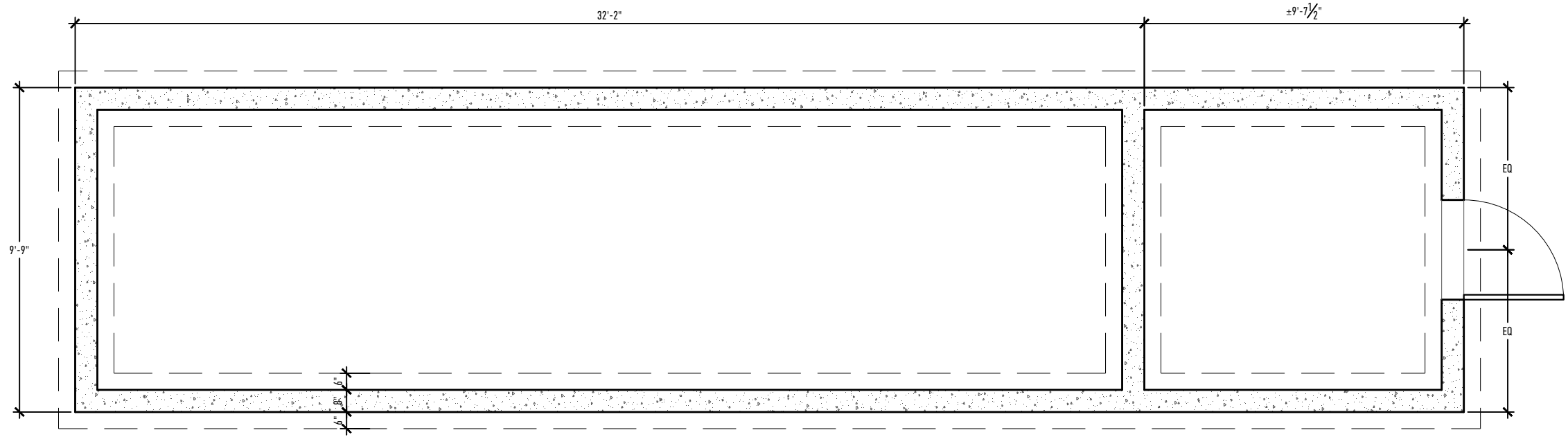
A handwritten signature in blue ink, appearing to read "Gordon R. Smith", is written over a horizontal line.

Gordon R. Smith

Enclosures

cc: Amy Tchao, Esq.

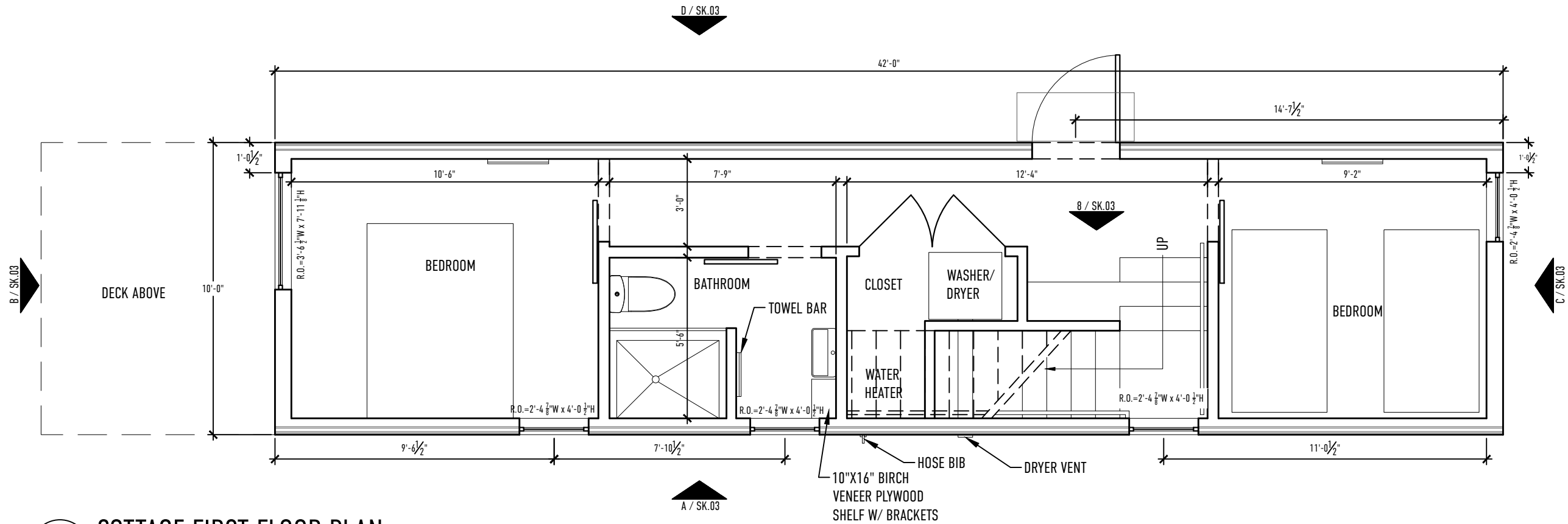
ATTACHMENT 1



1

COTTAGE FOUNDATION PLAN

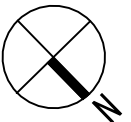
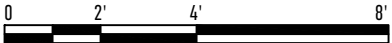
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2

COTTAGE FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



SK.03 FOUNDATION AND FIRST FLOOR PLANS

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JULY 22, 2019

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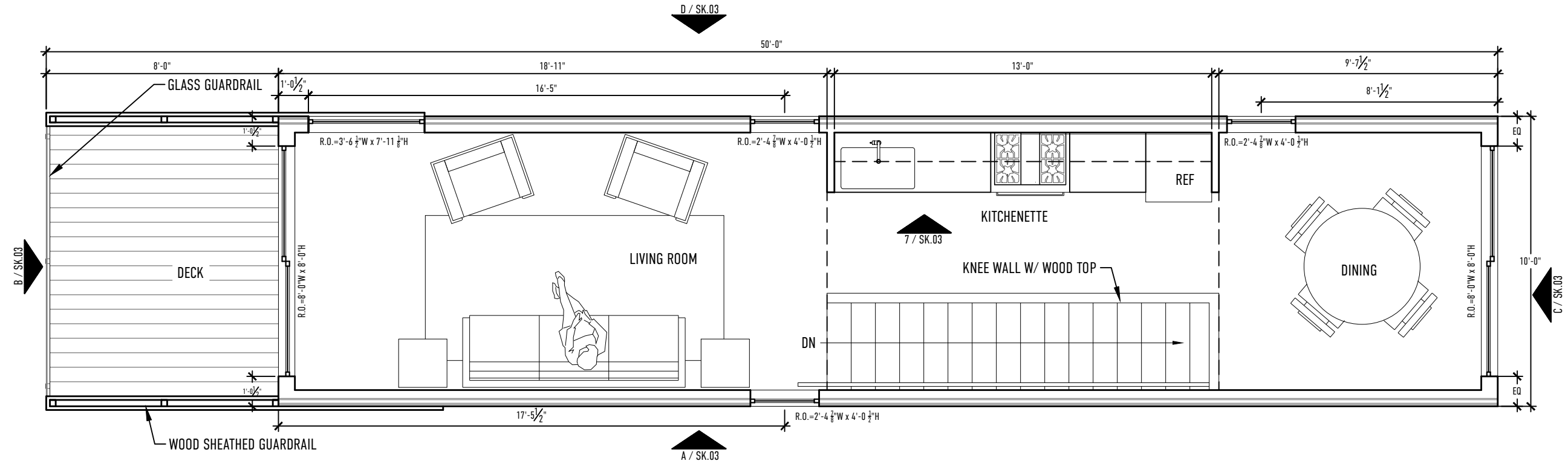
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LONG POINT ROAD
HARPSWELL, MAINE, 04101

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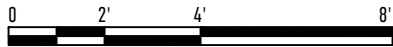
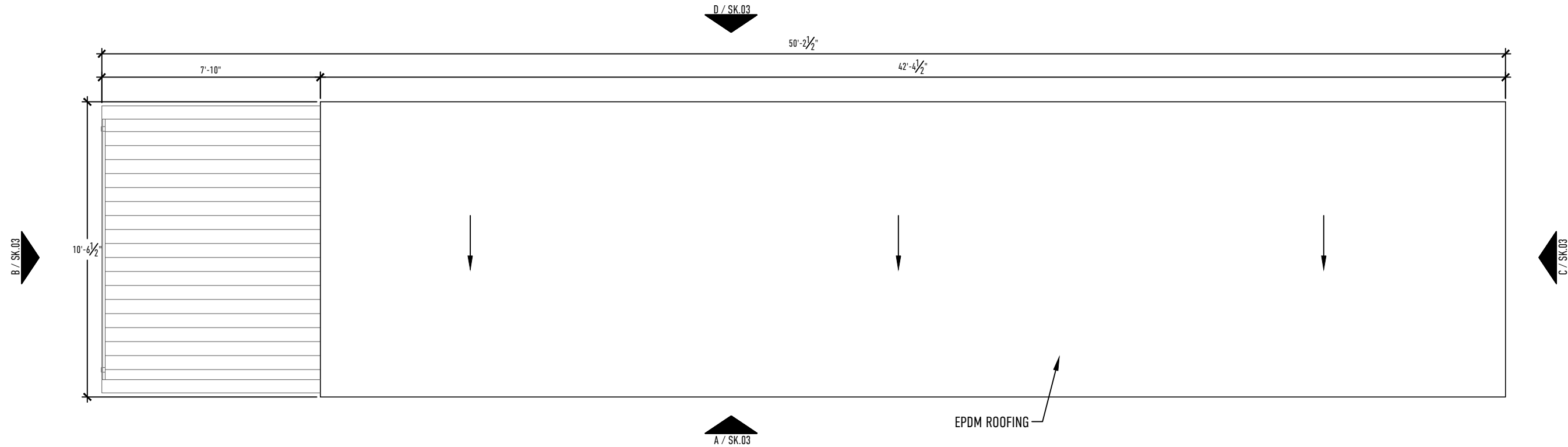
3 COTTAGE SECOND FLOOR PLAN

SCALE: 1/4" = 1'-0"



4 COTTAGE ROOF PLAN

SCALE: 1/4" = 1'-0"



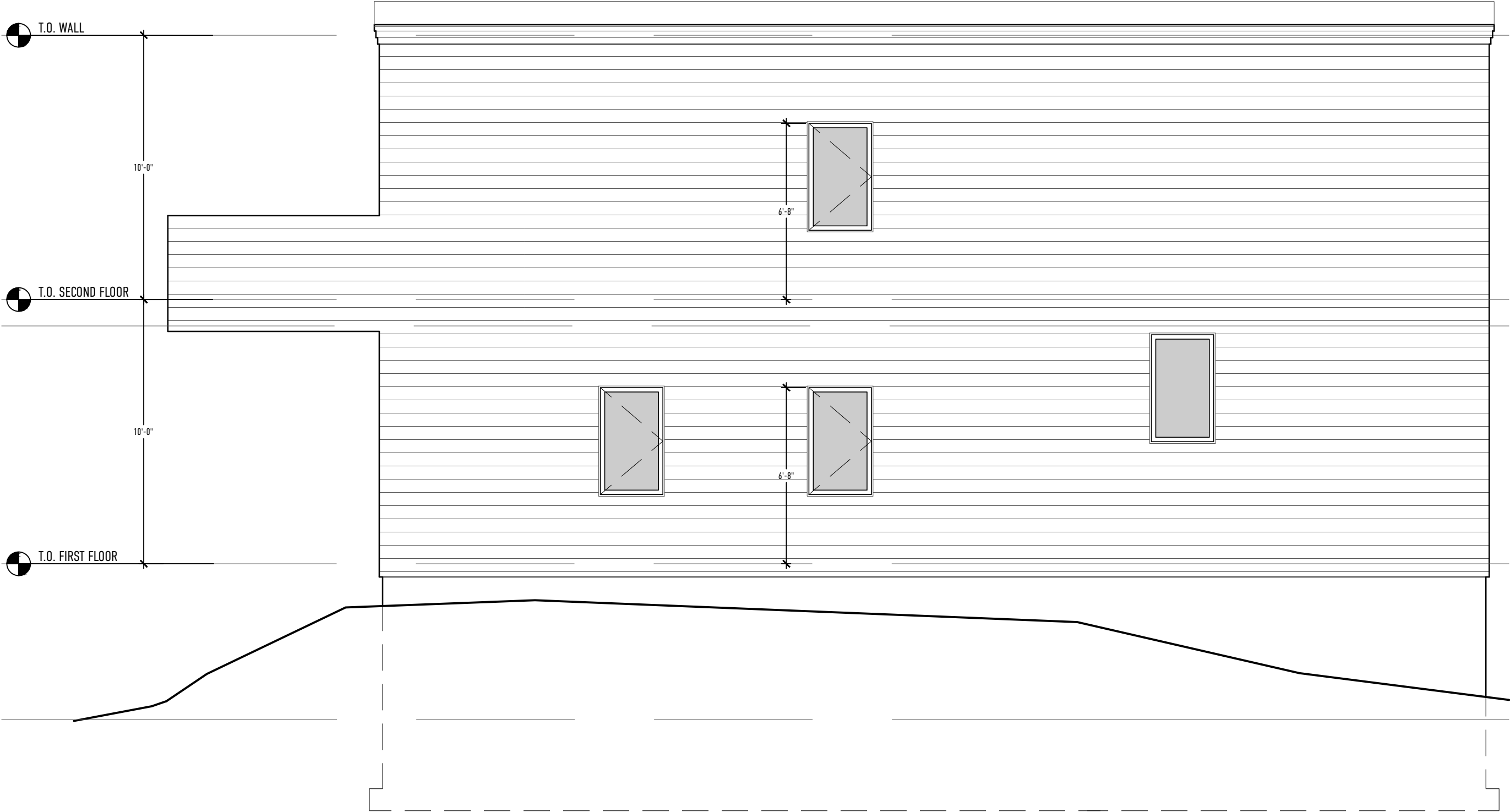
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A EXTERIOR ELEVATION - COTTAGE - NORTH

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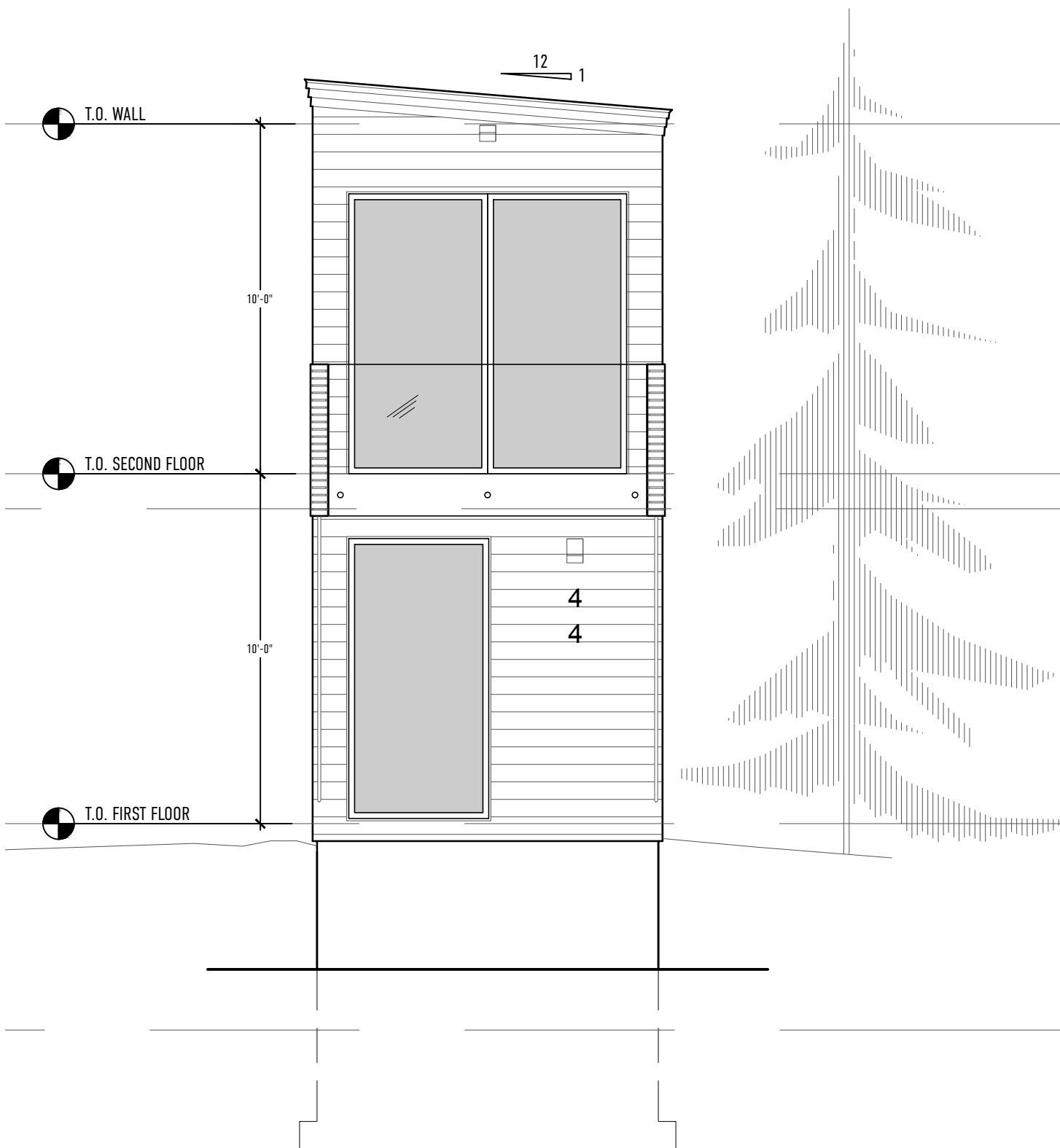
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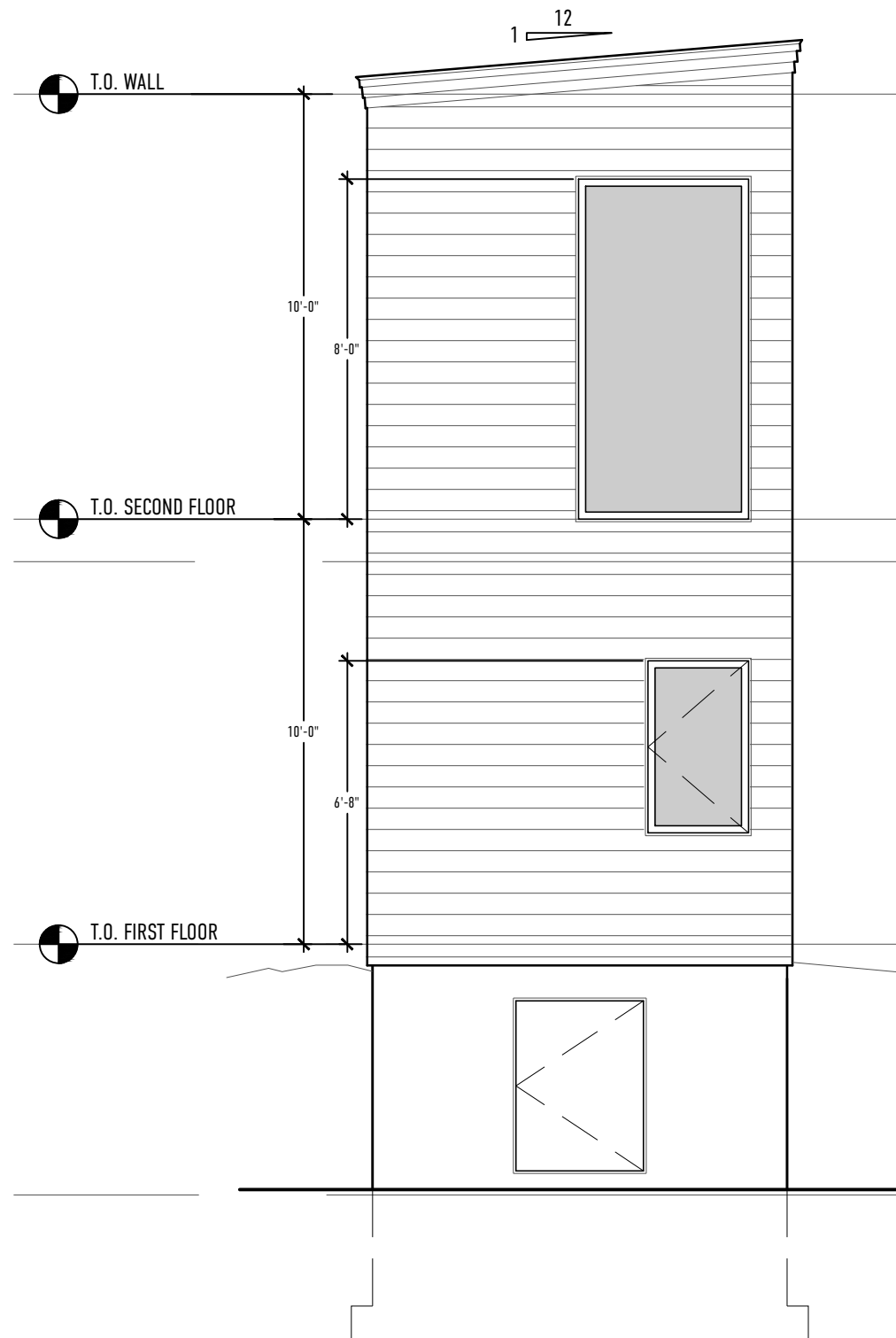
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LONG POINT ROAD
HARPSWELL, MAINE, 04101

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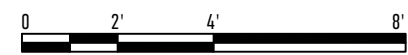
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B EXTERIOR ELEVATION - COTTAGE - EAST
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C EXTERIOR ELEVATION - COTTAGE - WEST
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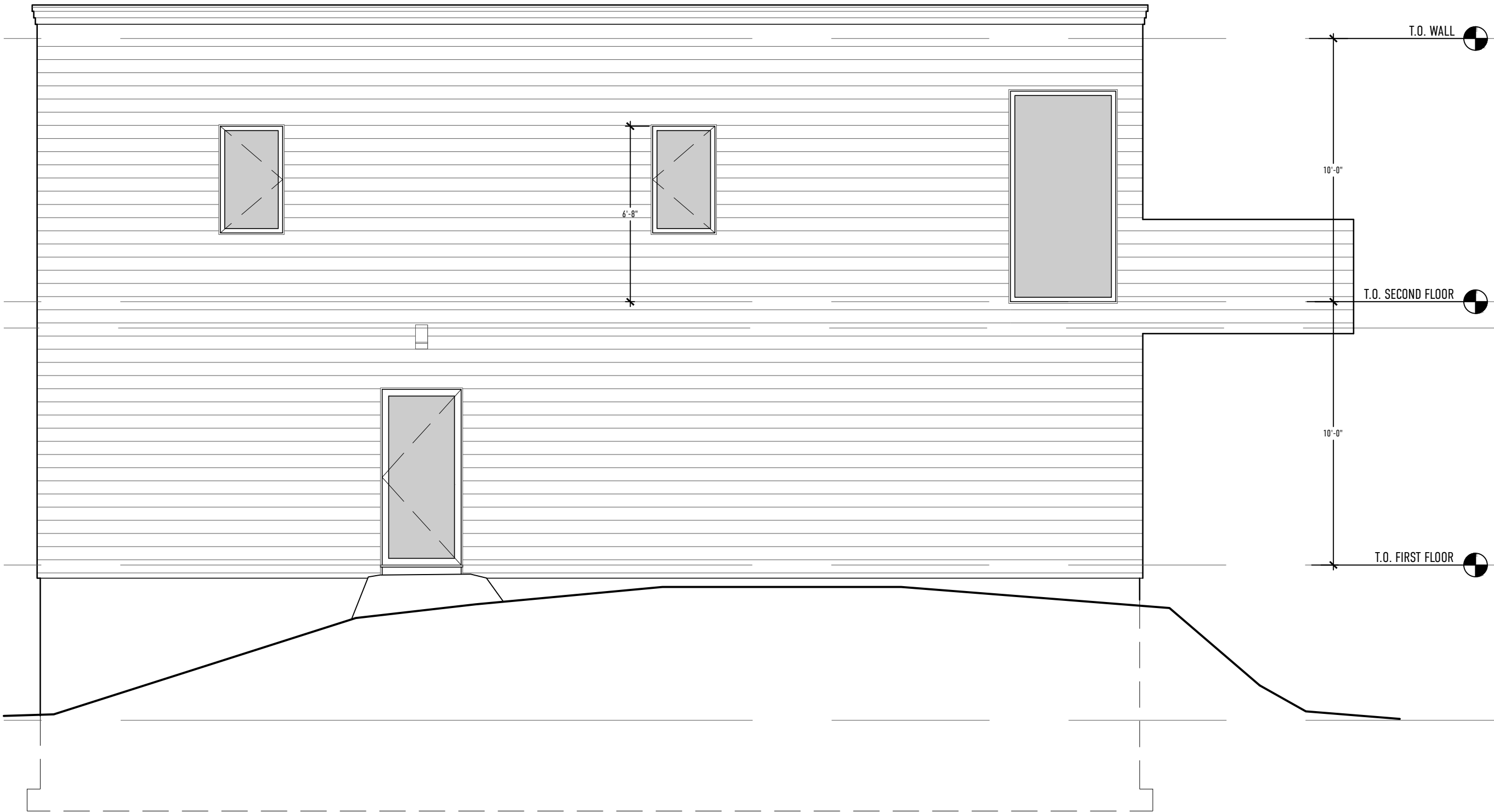
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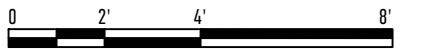
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EXTERIOR ELEVATIONS

PROJECT NAME:
HARPSWELL COTTAGE
LONG POINT ROAD
HARPSWELL, MAINE, 04101



D EXTERIOR ELEVATION - COTTAGE - SOUTH
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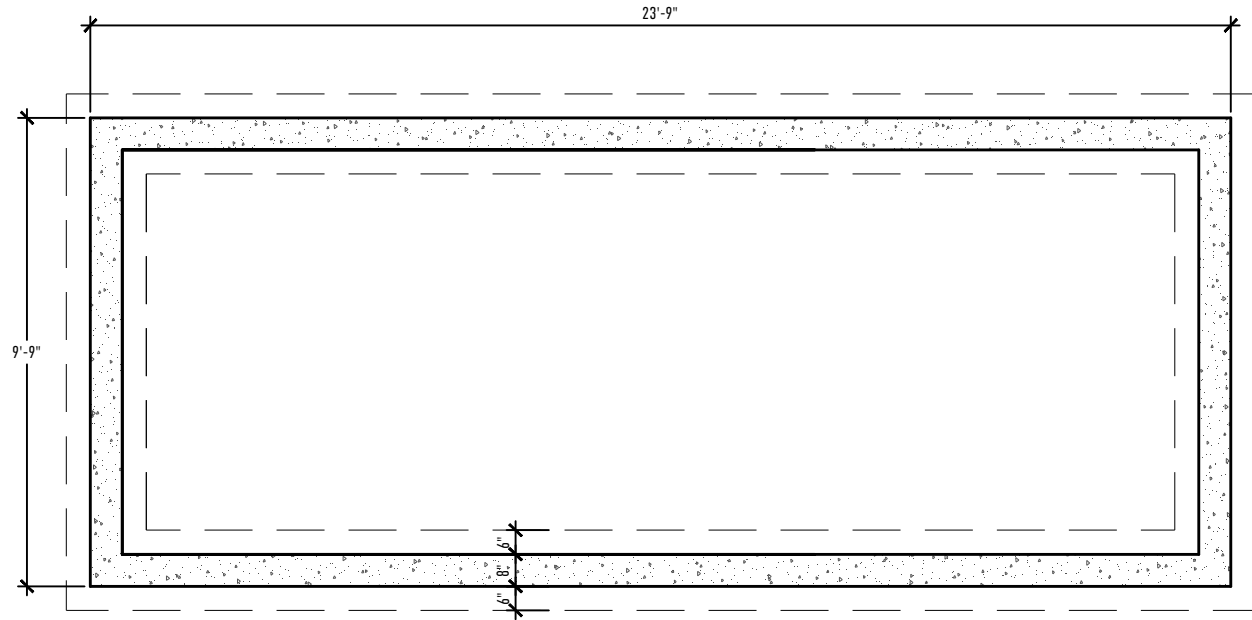
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PROJECT NAME:

HARPSWELL COTTAGE
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HARPSWELL, MAINE, 04101

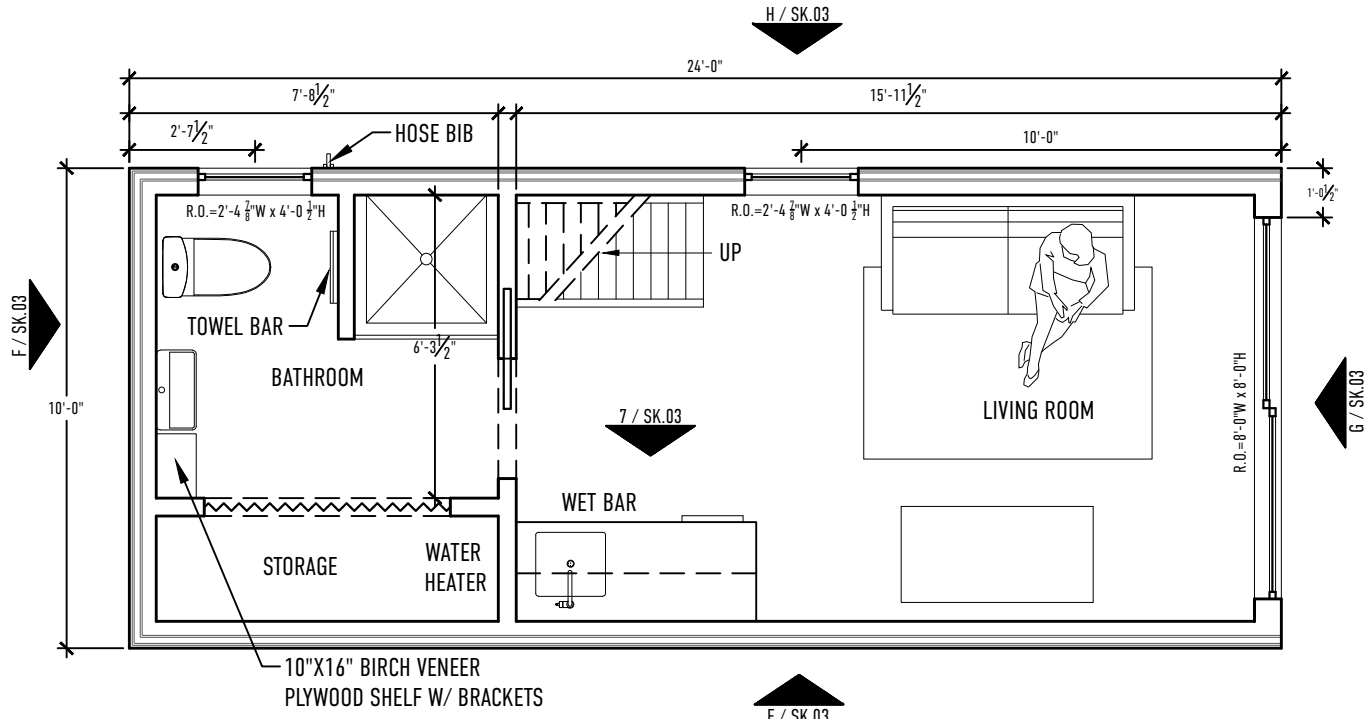
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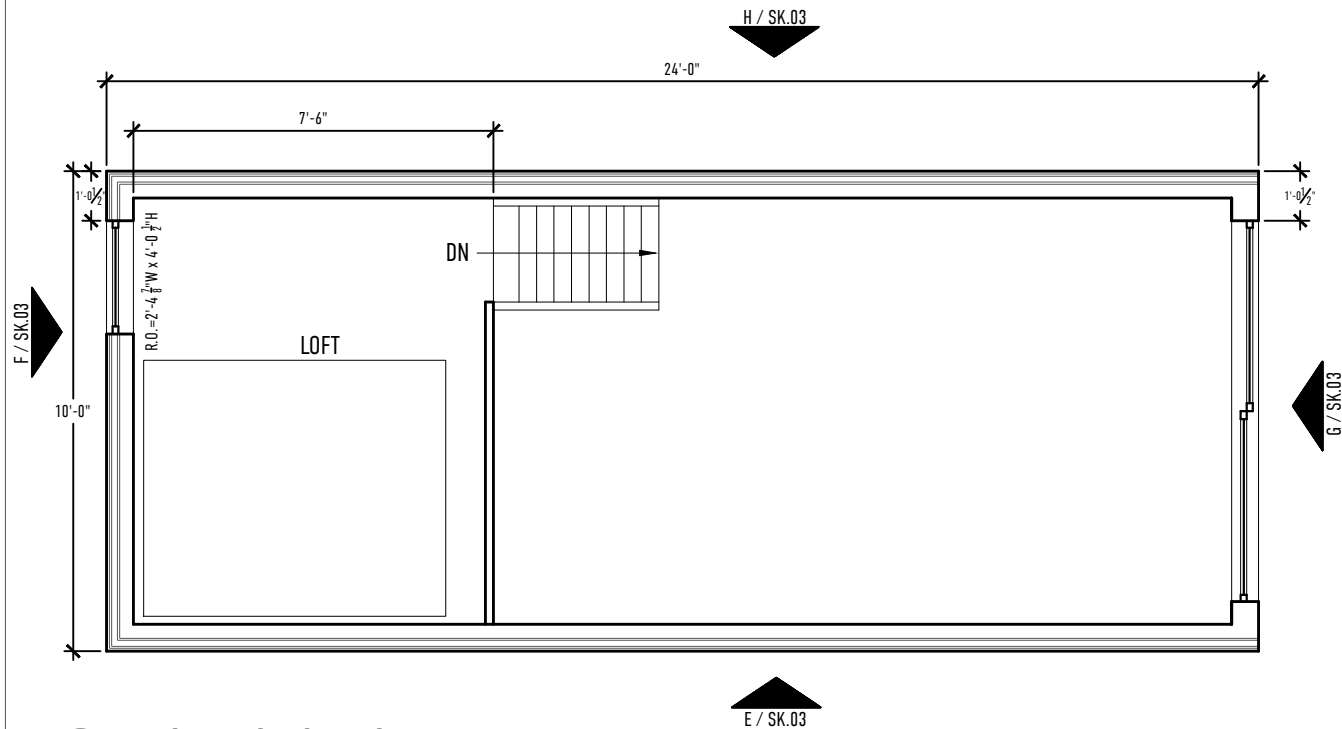
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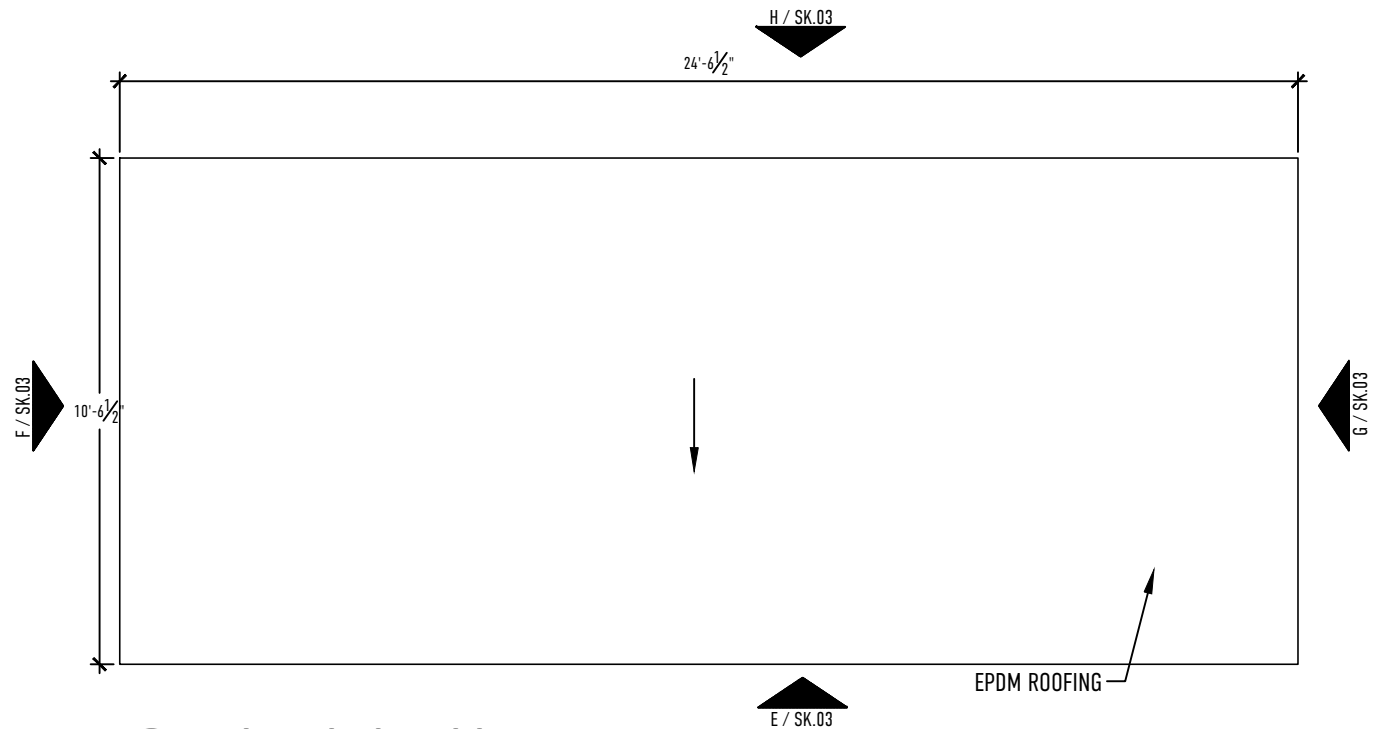
2 BOATHOUSE FIRST FLOOR PLAN

SCALE: 1/4" = 1'-0"



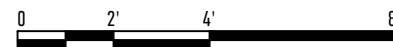
3 BOATHOUSE LOFT PLAN

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4 BOATHOUSE ROOF PLAN

SCALE: 1/4" = 1'-0"



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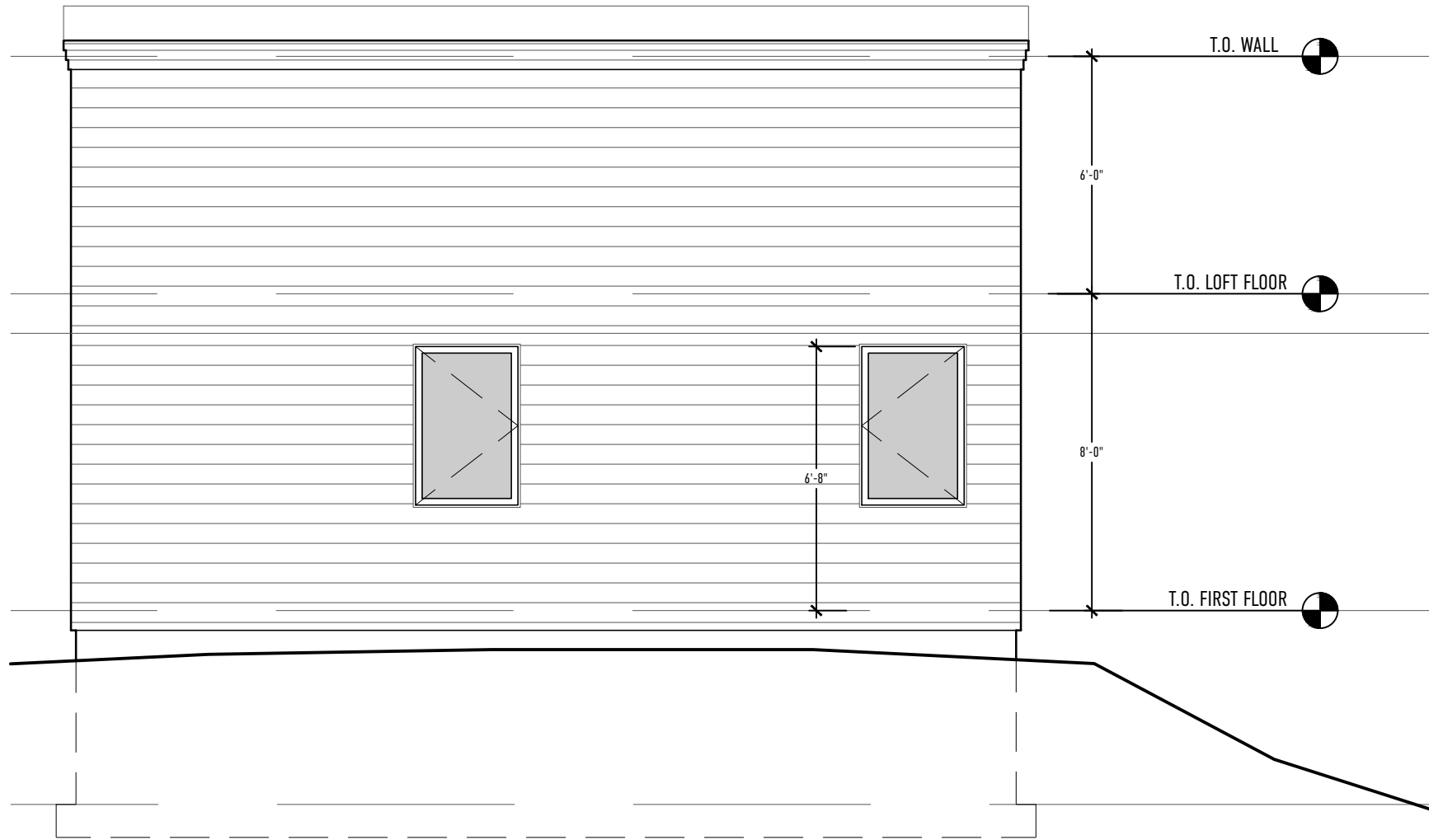
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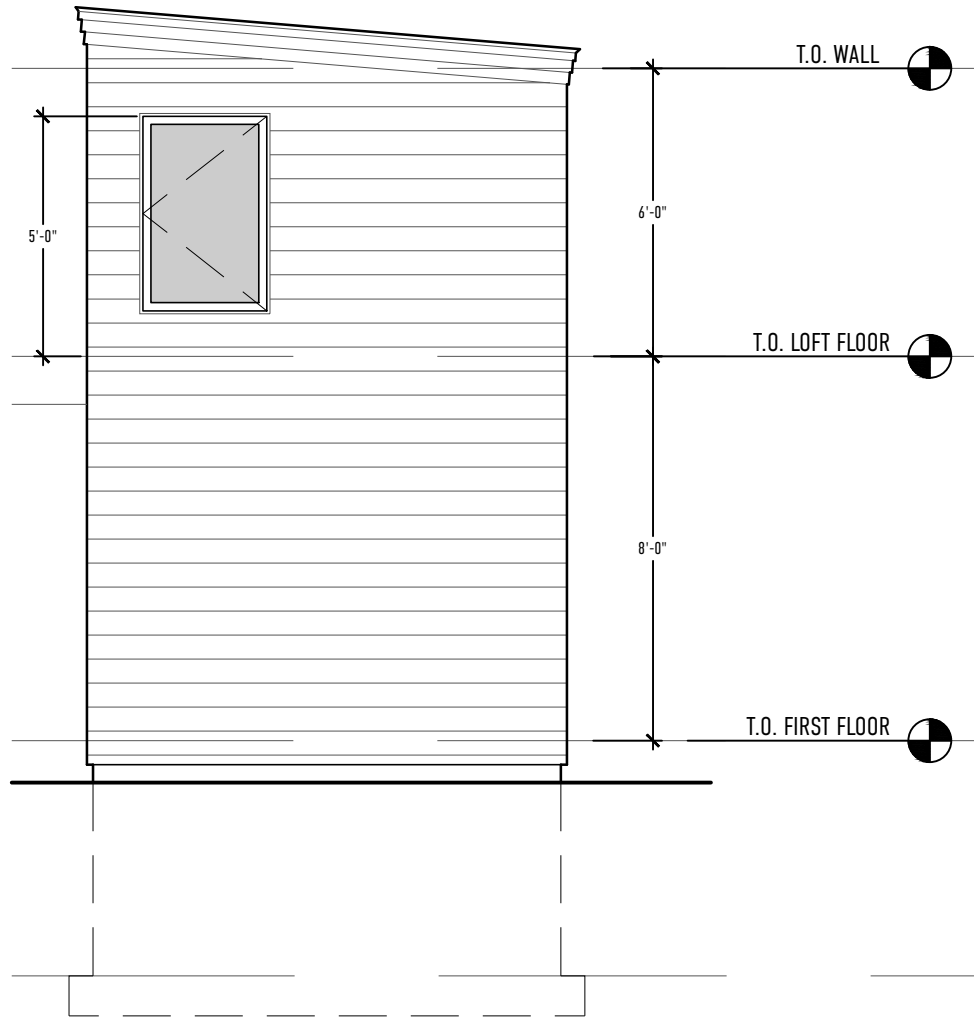
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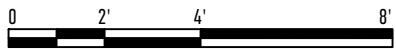
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H EXTERIOR ELEVATION - BOATHOUSE - SOUTH
SCALE: 1/4" = 1'-0"



F EXTERIOR ELEVATION - BOATHOUSE - EAST
SCALE: 1/4" = 1'-0"



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DRAWING TITLE:

SK.03 EXTERIOR ELEVATION

PROJECT NAME:

HARPSWELL COTTAGE
LONG POINT ROAD
HARPSWELL, MAINE, 04101

**BARRETT
MADE**

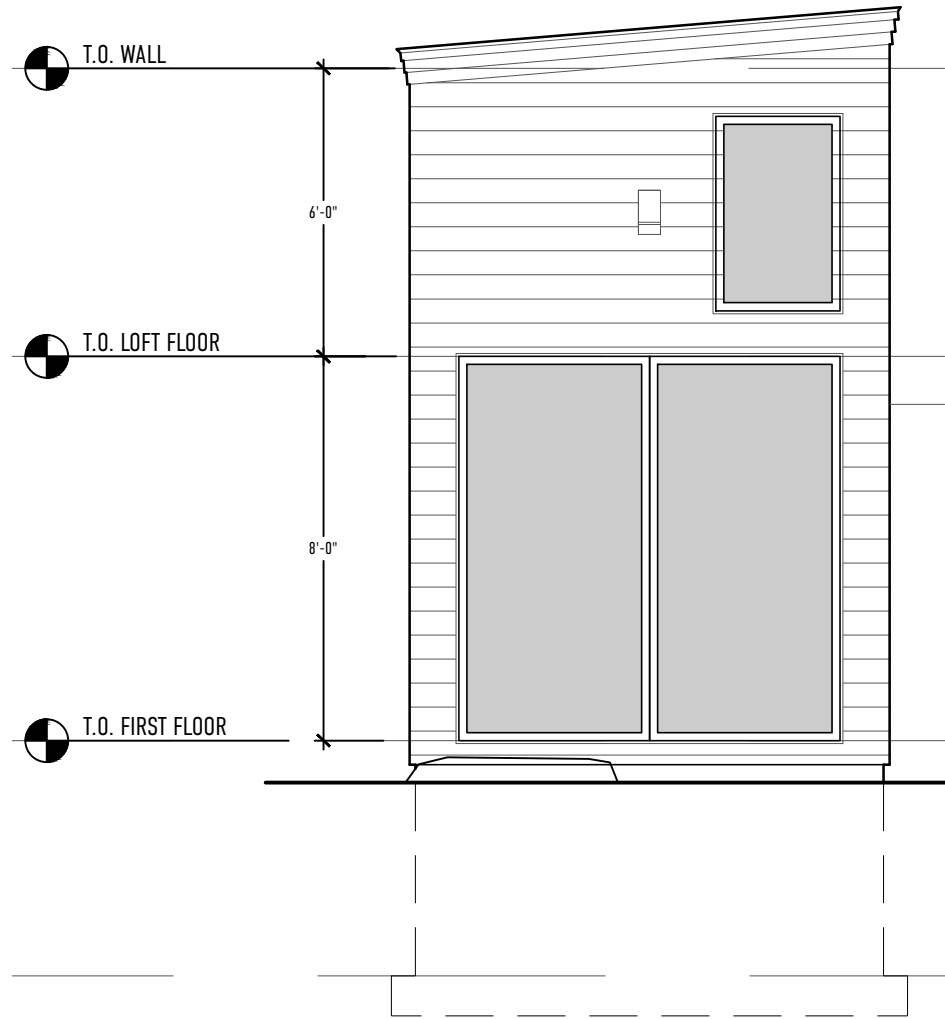
HOUSES • SPACES • DETAILS



E

EXTERIOR ELEVATION - BOATHOUSE - NORTH

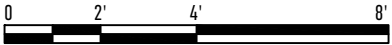
SCALE: 1/4" = 1'-0"



G

EXTERIOR ELEVATION - BOATHOUSE - EAST

SCALE: 1/4" = 1'-0"



DATE OF ISSUE:

JULY 22, 2019

ISSUED FOR:

CONCEPT REVIEW

SCALE:

AS NOTED

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DRAWING TITLE:

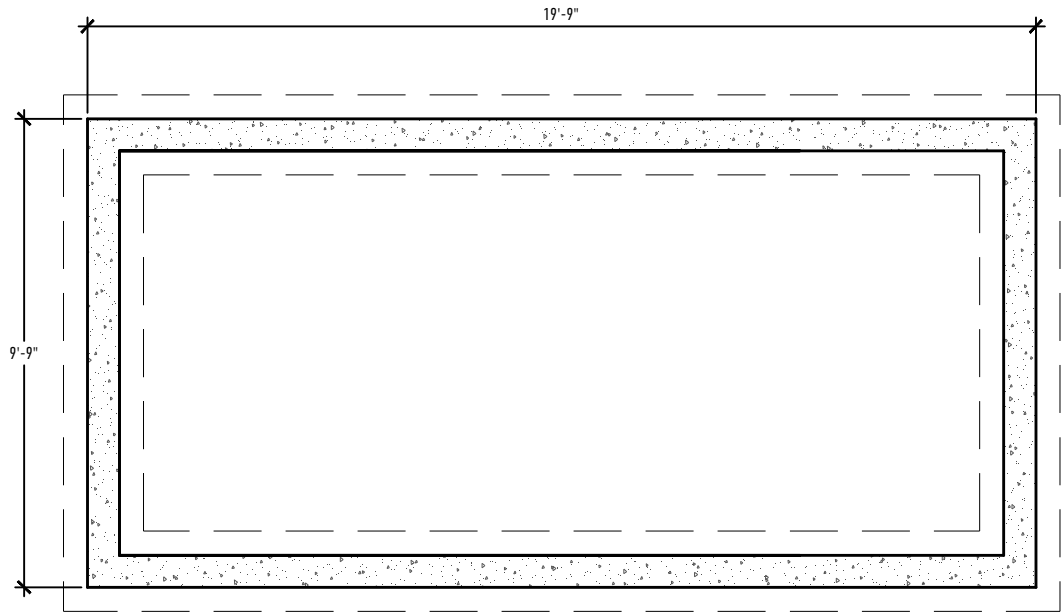
SK.03 EXTERIOR ELEVATION

PROJECT NAME:

HARPSWELL COTTAGE
LONG POINT ROAD
HARPSWELL, MAINE, 04101

BARRETT
MADE

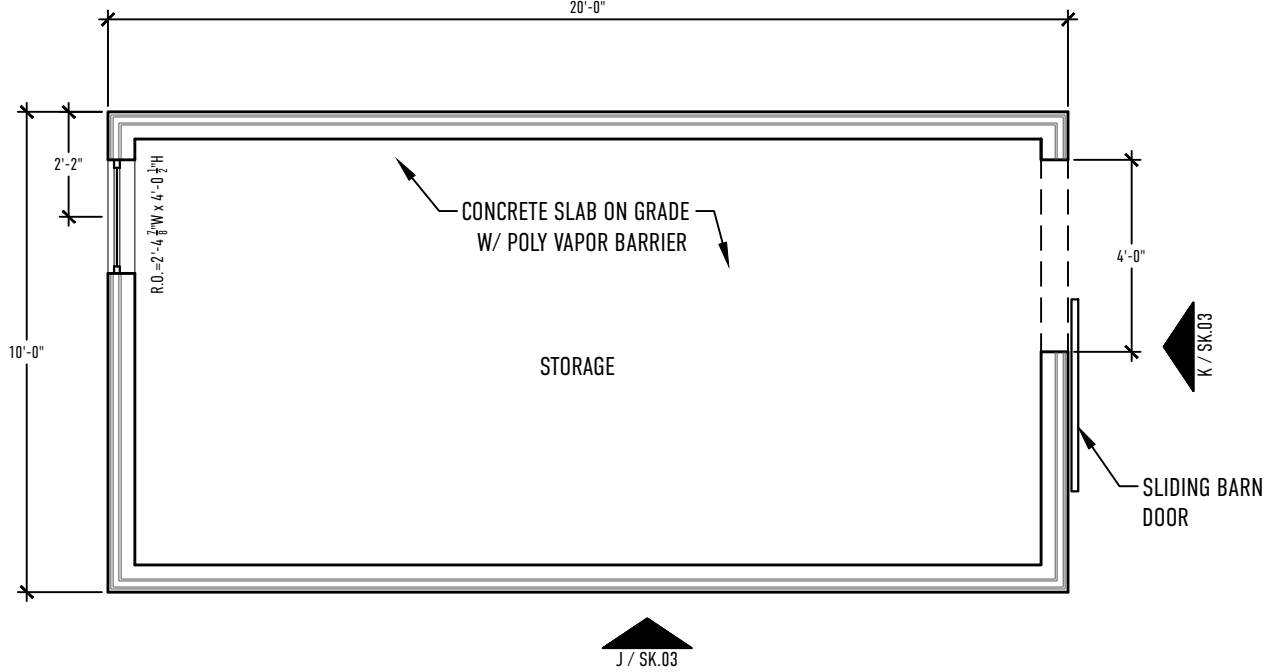
HOMES • SPACES • DETAILS



1

STORAGE FOUNDATION PLAN

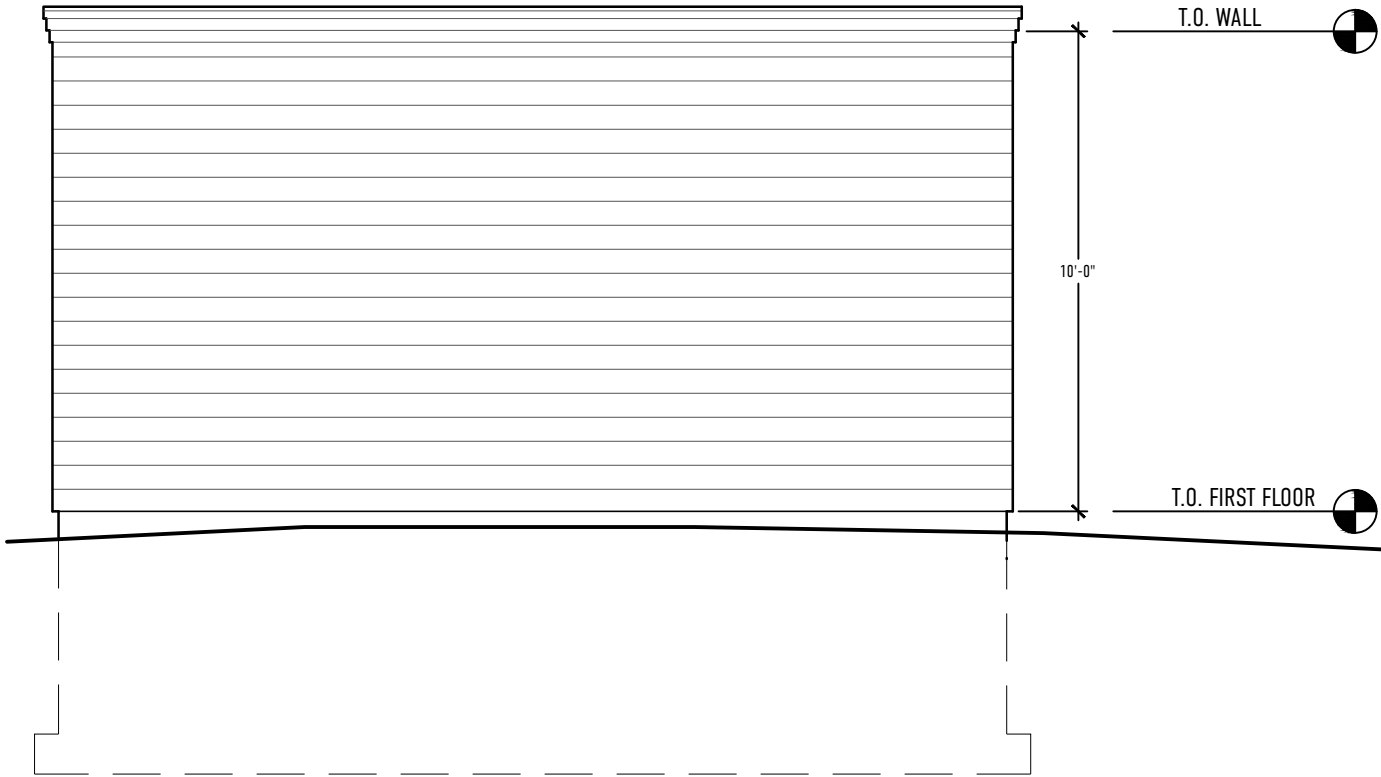
SCALE: 1/4" = 1'-0"



2

STORAGE FIRST FLOOR PLAN

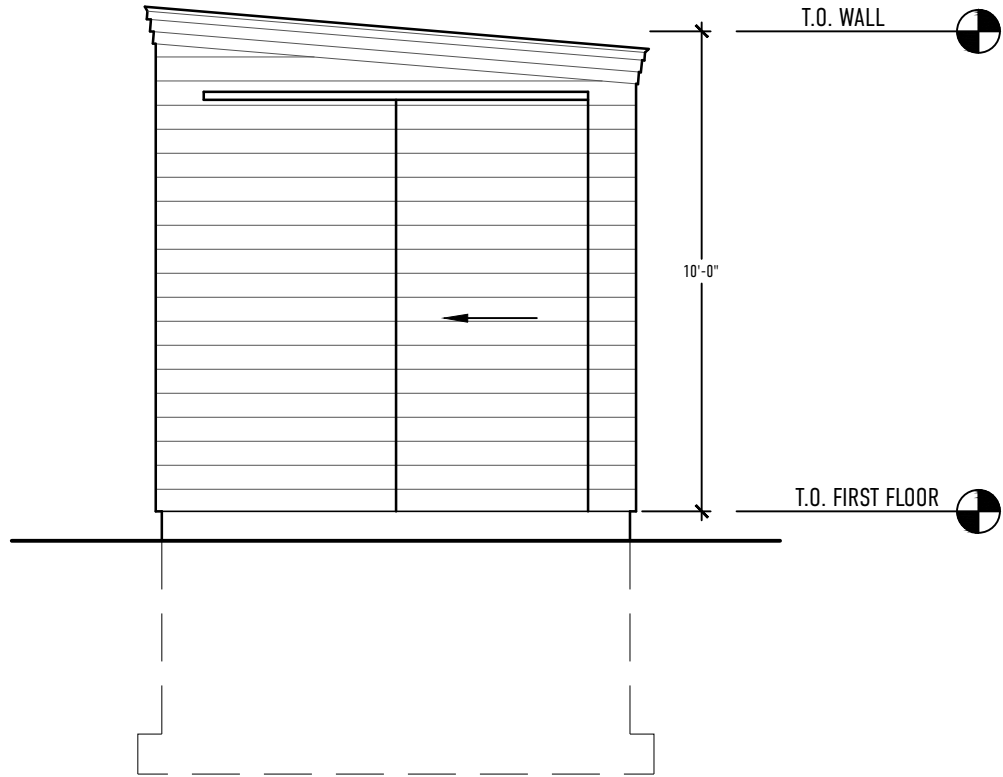
SCALE: 1/4" = 1'-0"



K

EXTERIOR ELEVATION - NORTH

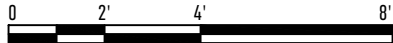
SCALE: 1/4" = 1'-0"



K

EXTERIOR ELEVATION - WEST

SCALE: 1/4" = 1'-0"



DRAWING TITLE:
SK.03 STORAGE FLOOR PLANS + ELEVATIONS

DATE OF ISSUE:
JULY 22, 2019

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CONCEPT REVIEW

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HOMES • SPACES • DETAILS

PROJECT NAME:
HARPSWELL COTTAGE
LONG POINT ROAD
HARPSWELL, MAINE, 04101

ATTACHMENT 2



Town of Harpswell
Code Enforcement Office
Building Permit/Land Use Permit Application

Code Office
APR 05 2019
Received

Map 37 Lot(s) 71

BUILDING/LAND USE PERMIT

L.R.C.B.

4/8/19

(OFFICIAL)

#19-051

(DATE)

Conditions of Approval / Comments:

Accessory structure NOT to
be occupied as dwelling etc

ALL STRUCTURES ARE
SEASONAL ONLY

FINAL
INSPECTION
2-4-2020

Does not appear to scale is
SPHA Paul 230169 00103 ARC

Impermeable Coverage: 7.4% etc
Does not include parking area

COMPLETE APPLICATION IN ITS ENTIRETY

Permit Types(s) Requested:

☒ New Structure ☐ Addition ☐ Alteration ☐ Replacement ☐ Pier, Dock, Float, Wharf
☐ Accessory Structure ☐ Earth Moving/Filling ☐ Other _____

Applicant Name:

RYAN NESBITT

Telephone Numbers:

Mailing Address: 711 DE SOTO DRIVE
PAHO HONO, HI 96733
E-Mail Address: ryannesbitt@gmail.com

Days: 207 254 9466
Nights: 207 254 9466

Owner Name:

ROBERT NESBITT

Telephone Numbers:

Mailing Address: 131 AUGUSTA DRIVE
HONEY BROOK, PA 19344
E-Mail Address: nesbittrobert@gmail.com

Days: 830 353 2117
Nights: "

Contractor Name:

LEE ECKER

Telephone Numbers:

Mailing Address: PO BOX 860
BRENSWICK, ME 04011
E-Mail Address: eckerlee2016@icloud.com

Days: 207 751 0721
Nights: 207 751 0721

Location or Physical Address of Site: O LONG POINT

Estimated Cost

\$ 200,000

Proposed
Property Line Setbacks

Front —
Left 25ft
Right 25ft
Back —

Proposed
Water Setbacks

Wetland —
Tidal 75ft
River —
Stream —

ATTACHMENT 3

PLUMBING APPLICATION

Code Office: Maine DHHS/CDC - Division of Environmental & Community Health

PROPERTY ADDRESS		ISSUING MUNICIPAL OFFICE	
City, Town, or Plantation	Harpswell	Town/City	HARPSWELL ME
Street/Subdivision	451 Long Point Road	Permit #	P19-120
PROPERTY OWNER INFORMATION		Total Fee	\$ 168 ⁰⁰
Name (Last, First)	Nesbitt, Robert	Date Issued	8-6-19
Applicant Name (Last, First)	Pine State Services	Double Fee	
OWNER/APPLICANT MAILING ADDRESS		Local Plumbing Inspector Signature	0994
Street	3 Eisenhower Drive	License #	
City	Westbrook	FEEES	State \$ 140 ⁰⁰ Local \$ 168 ⁰⁰
State	ME	LOCATION	Map # 37 Lot # 71
Zip Code	04092	Internal plumbing fixtures and piping may not be installed until a permit is issued by the Local Plumbing Inspector. The permit authorizes the owner or installer to install the plumbing system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.	

OWNER/APPLICANT STATEMENT		CAUTION: INSPECTION REQUIRED	
I certify that the information submitted is correct to the best of my knowledge and understanding and that any falsification is reason for the Local Plumbing Inspector(s) to deny a permit.		I have inspected the installation authorized above and found it to be in compliance with the Maine Plumbing Rules Application.	
Signature of Owner/Applicant	8-1-19	LPI Signature	10/2/19 W
Copy:	Property Owner <input type="checkbox"/> Town <input checked="" type="checkbox"/> State <input type="checkbox"/>	Date (Final)	

FINAL INSPECTION
2-4-2020

PERMIT INFORMATION			
This application is for:	Type of structure to be served:		Plumbing to be installed by:
	New Plumbing <input checked="" type="checkbox"/> Relocated Plumbing <input type="checkbox"/>		Master Plumber <input checked="" type="checkbox"/> License # MS2501 Oil Burner Installer <input type="checkbox"/> License # Mfd. Housing Rep <input type="checkbox"/> License # Public Utility Rep <input type="checkbox"/> License # Property Owner <input type="checkbox"/>

Column 1 - Hook-Up & Relocation	Column 2 - Fixtures	Column 3 - Fixtures	State of Maine Department of Health and Human Services/ Center for Disease Control and Prevention Environmental & Community Health - Subsurface Wastewater 286 Water Street State House Station 11 Augusta, ME 04333 207-287-2070 HHE-211 Revised 7/24/2018
Maximum 1 Hook-Up	Type of Fixture	Type of Fixture	
Hook-Up (a) <input type="checkbox"/> <small>Hook-up to public sewer in those cases where the connection is not regulated and inspected by the local sanitary district.</small>	Hosebib/Sillcock 2	Bathtub (and Shower)	
	Floor Drain	Shower (Separate) 2	
	Urinal	Sink 2	
	Drinking Fountain	Wash Basin 2	
Hook-Up (b) <input checked="" type="checkbox"/> <small>Hook-up to an existing subsurface wastewater disposal system.</small>	Indirect Waste	Water Closet (Toilet) 2	
	Treatment Softener, Filter, etc.	Clothes Washer 1	
	Grease/Oil Separator	Dishwasher	
Piping Relocation <input type="checkbox"/> <small>Relocation of sanitary lines, drains, and piping without new fixtures.</small>	Roof Drain	Garbage Disposal	
	Bidet	Laundry Tub	
	Other	Water Heater 2	

Total Column 1 **1** + Total Column 2 **2** + Total Column 3 **11** = Enter Total Fixtures / Hook-Ups Below

PERMIT TRANSFER ONLY	Total Fixtures / Hook-Ups	14
	Per-Fixture Fee	\$ 12
	TOTAL PERMIT FEE	\$ 168

ATTACHMENT 4

8/16/19 GRUB-IN FROB

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Maine Dept. Health & Human Services
Div of Environmental Health, 11 SHS
(207) 287-2070 FAX (207) 287-4172

PROPERTY LOCATION

City, Town, or Plantation	HARPSWELL
Street or Road	LONG POINT ROAD
Subdivision, Lot #	

>>CAUTION: LPI APPROVAL REQUIRED<<

Town/City	Harpowell	Permit #	P19-48
Date Permit Issued	8/18/19	Fee \$	295.00
Local Plumbing Inspector Signature			
Fee \$	250.00	State Fee	Fee \$ 295.00
Copy: [] Owner [X] Town [] State	Locally Adopted Fee		

OWNER/APPLICANT INFORMATION

Name (last, first, MI)	NESBIT RYAN	<input checked="" type="checkbox"/> Owner <input type="checkbox"/> Applicant
Mailing Address of Owner/Applicant	312 Gibbs Road	
Owner/Applicant	Wiscasset, ME 04548	
Daytime Tel. #	254-9466	

The Subsurface Wastewater Disposal System shall not be installed until a Permit is issued by the Local Plumbing Inspector. The Permit shall authorize the owner or installer to install the disposal system in accordance with this application and the Maine Subsurface Wastewater Disposal Rules.

Municipal Tax Map # 37 Lot # 71

OWNER OR APPLICANT STATEMENT

I state and acknowledge that the information submitted is correct to the best of my knowledge and understand that any falsification is reason for the Department and/or Local Plumbing Inspector to deny a permit.

Signature of Owner/Applicant: [Signature] Date: 7/31/18

CAUTION: INSPECTION REQUIRED

I have inspected the installation authorized above and found it to be in compliance with the Subsurface Wastewater Disposal Rules Application.

Local Plumbing Inspector Signature: [Signature] (1st) Date Approved: 8/26/19 mm

PERMIT INFORMATION

TYPE OF APPLICATION <input checked="" type="checkbox"/> 1. First Time System <input type="checkbox"/> 2. Replacement System Type Replaced: _____ Year Installed: _____ <input type="checkbox"/> 3. Expanded System <input type="checkbox"/> a. <25% Expansion <input type="checkbox"/> b. >25% Expansion <input type="checkbox"/> 4. Experimental System <input type="checkbox"/> 5. Seasonal Conversion	THIS APPLICATION REQUIRES <input type="checkbox"/> 1. No Rule Variance <input checked="" type="checkbox"/> 2. First Time System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input checked="" type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 3. Replacement System Variance <input type="checkbox"/> a. Local Plumbing Inspector Approval <input type="checkbox"/> b. State & Local Plumbing Inspector Approval <input type="checkbox"/> 4. Minimum Lot Size Variance <input type="checkbox"/> 5. Seasonal Conversion Permit	DISPOSAL SYSTEM COMPONENTS <input checked="" type="checkbox"/> 1. Complete Non-Engineered System <input type="checkbox"/> 2. Primitive System (graywater & alt toilet) <input type="checkbox"/> 3. Alternative Toilet, specify: _____ <input type="checkbox"/> 4. Non-Engineered Treatment Tank (only) <input type="checkbox"/> 5. Holding Tank, _____ gallons <input type="checkbox"/> 6. Non-Engineered Disposal Field (only) <input type="checkbox"/> 7. Separated Laundry System <input type="checkbox"/> 8. Complete Engineered System (2000gpd+) <input type="checkbox"/> 9. Engineered Treatment Tank (only) <input type="checkbox"/> 10. Engineered Disposal Field (only) <input checked="" type="checkbox"/> 11. Pre-treatment, specify: <u>BIOBARRIER</u> <input type="checkbox"/> 12. Miscellaneous components <u>MBR 0.5 UNIT OR EQUIV</u>
SIZE OF PROPERTY 0.5 +/- <input type="checkbox"/> SQ. FT. <input checked="" type="checkbox"/> ACRES	DISPOSAL SYSTEM TO SERVE <input checked="" type="checkbox"/> 1. Single Family Dwelling Unit, No. of Bedrooms: <u>3</u> <input type="checkbox"/> 2. Multiple Family Dwelling, No of Units: _____ <input type="checkbox"/> 3. Other: _____ (specify) Current Use <input type="checkbox"/> Seasonal <input type="checkbox"/> Year Round <input checked="" type="checkbox"/> Undeveloped	PROPOSED TYPE OF WATER SUPPLY <input checked="" type="checkbox"/> 1. Drilled Well <input type="checkbox"/> 2. Dug Well <input type="checkbox"/> 3. Private <input type="checkbox"/> 4. Public <input type="checkbox"/> 5. Other:
SHORELAND ZONING <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		

DESIGN DETAILS (SYSTEM LAYOUT SHOWN ON PAGE 3)

TREATMENT TANK* <input checked="" type="checkbox"/> 1. Concrete <input checked="" type="checkbox"/> a. Regular <input type="checkbox"/> b. Low Profile <input type="checkbox"/> 2. Plastic <input type="checkbox"/> 3. Other: <u>*CUSTOM</u> CAPACITY: <u>2,000*</u> GAL. SEE NOTE ON PAGE 3	DISPOSAL FIELD TYPE & SIZE <input type="checkbox"/> 1. Stone Bed <input type="checkbox"/> 2. Stone Trench <input checked="" type="checkbox"/> 3. Proprietary Device <input type="checkbox"/> a. Cluster array <input checked="" type="checkbox"/> c. Linear <input checked="" type="checkbox"/> b. Regular <input type="checkbox"/> d. H-20 loaded <input type="checkbox"/> 4. Other: _____ SIZE: <u>176</u> sq. ft. <input type="checkbox"/> lin. ft. 4 STANDARD CAPACITY PLASTIC CHAMBER UNITS	GARBAGE DISPOSAL UNIT <input checked="" type="checkbox"/> 1. No <input type="checkbox"/> 2. Yes <input type="checkbox"/> 3. Maybe If Yes or Maybe, specify one below: <input type="checkbox"/> a. Multi-compartment tank <input type="checkbox"/> b. _____ tanks in series <input type="checkbox"/> c. Increase in tank capacity <input checked="" type="checkbox"/> d. Filter on tank outlet	DESIGN FLOW <u>270</u> gallons per day BASED ON: <input checked="" type="checkbox"/> 1. Table 4A (dwelling unit(s)) <input type="checkbox"/> 2. Table 4C (other facilities) SHOW CALCULATIONS for other facilities <u>2 OR 3 BEDROOMS AT 90 GALLONS PER DAY EACH</u> <input type="checkbox"/> 3. Section 4G (meter readings) ATTACH WATER-METER DATA LATITUDE AND LONGITUDE at center of disposal area Lat. <u>N43</u> d <u>46</u> m <u>13.64</u> s Lon. <u>W69</u> d <u>56</u> m <u>32.34</u> s If g.p.s., state margin of error
SOIL DATA & DESIGN CLASS PROFILE <u>2</u> / <u>AIII/D</u> at Observation Hole # <u>TP 1</u> Depth <u>14</u> " of Most Limiting Soil Factor	DISPOSAL FIELD SIZING <input type="checkbox"/> 1. Medium - 2.6 sq.ft./gpd <input checked="" type="checkbox"/> 2. Medium-Large - 3.3 sq.ft./gpd <input type="checkbox"/> 3. Large - 4.1 sq.ft./gpd <input type="checkbox"/> 4. Extra-Large - 5.0 sq.ft./gpd	EFFLUENT/EJECTOR PUMP <input type="checkbox"/> 1. Not required <input checked="" type="checkbox"/> 2. May be required <input type="checkbox"/> 3. Required Specify only for engineered systems: SEE NOTE ON PAGE 3 DOSE: _____ gallons	

SITE EVALUATOR STATEMENT

I certify that on 6/20/18 (date) I completed a site evaluation on this property and state that the data reported are accurate and that the proposed system is in compliance with the Subsurface Wastewater Disposal Rules (10-144A CMR 241)

Site Evaluator Signature: [Signature] SE # 352 Date: 7/13/18

BRADY A. FRICK
Site Evaluator Name Printed
(207) 839-5563 Telephone Number
BRADY@ALBERTFRICK.COM E-mail Address

ALBERT FRICK ASSOCIATES - 380B MAIN STREET, GORHAM, MAINE 04038 - (207) 839-5563
Note: Changes to or deviations from the design should be confirmed with the Site Evaluator

Page 1 of 3
HHE-200 Rev. 11/2013

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Department of Health and Human Services
Division of Environmental Health
(207) 287-2070 FAX (207) 287-4172

Town, City, Plantation
HARPSWELL

Street, Road Subdivision
LONG POINT ROAD

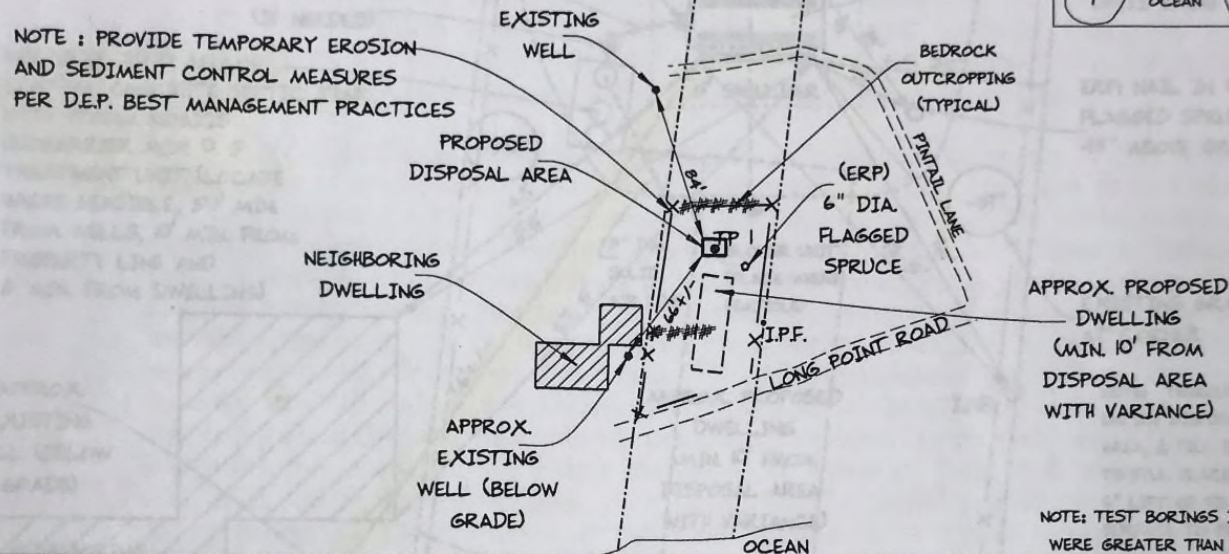
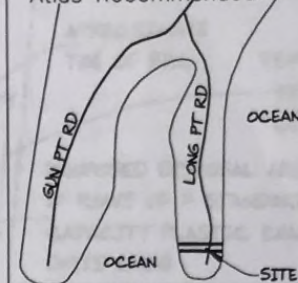
Owner's Name
RYAN NESBIT

****ALBERT FRICK ASSOCIATES ARE NOT SURVEYORS****
PROPERTY INFORMATION APPROXIMATED
PER TOWN TAX MAP AND AERIAL PHOTOGRAPH
VERIFY PROPERTY LINES TO ASSURE ACCURATE
LOCATION PRIOR TO SYSTEM INSTALLATION

SITE PLAN

Scale 1" = 100 Ft.
or as shown

SITE LOCATION PLAN
(Attach Map from Maine
Atlas Recommended)



SOIL DESCRIPTION AND CLASSIFICATION (Location of Observation Holes Shown Above)

Observation Hole **TP 1** ☒ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Observation Hole ☐ Test Pit ☐ Boring
" Depth of Organic Horizon Above Mineral Soil

Texture	Consistency	Color	Mottling
0		DARK	
SANDY		BROWN	
LOAM		DARK	
10		YELLOW	
	FRIABLE	BROWN	
		LIGHT OLIVE BROWN	FEW, DISTINCT
20		OLIVE BROWN	COMMON, DISTINCT
30			
40			
50			

Texture	Consistency	Color	Mottling
0			
10			
20			
30			
40			
50			

Soil Classification **2 AIII/D**
Profile Condition **0-3 % 14"**
Limiting Factor **14"**
☒ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

Soil Classification
Profile Condition
Limiting Factor
☐ Ground Water
☐ Restrictive Layer
☐ Bedrock
☐ Pit Depth

Site Evaluator Signature

352
SE *

Date

Page 2 of 3
HHE-200 Rev. 02/11

SUBSURFACE WASTEWATER DISPOSAL SYSTEM APPLICATION

Town, City, Plantation

HARPSWELL

Street, Road, Subdivision

LONG POINT ROAD

Department of Health and Human Services
Division of Environmental Health
(207) 287-2070 FAX (207) 287-4172

Owner's Name

RYAN NESBIT

SCALE 1" = 20' FT.

IF PUMPING USE
1 1/2" TO 2" DIA.
EFFLUENT LINE BURIED
BELOW FROST OR INSULATE
TO PROTECT FROM FREEZING
OR IF GRAVITY FLOW USE
4" DIA. SDR35 SOLID PVC
(ASSURE WATERTIGHTNESS)

DISTRIBUTION
BOX (BOTTOM
FEED IF PUMPING)
INSULATE PER CODE

PUMP STATION
(IF NEEDED)

PROPOSED 2000 GALLON
CUSTOM, CONCRETE SEPTIC TANK
WITH BIOMICROBICS
BIOBARRIER MBR 0.5
TREATMENT UNIT (LOCATE
WHERE FEASIBLE, 50' MIN.
FROM WELLS, 10' MIN. FROM
PROPERTY LINE AND
8' MIN. FROM DWELLING)

APPROX.
EXISTING
WELL (BELOW
GRADE)

NEIGHBORING
DWELLING

FILL REQUIREMENTS

Depth of Fill (Upslope) : 36" - 40"
Depth of Fill (Downslope) : 32" - 33"
DEPTHS AT CROSS-SECTION (shown below)

CONSTRUCTION ELEVATIONS

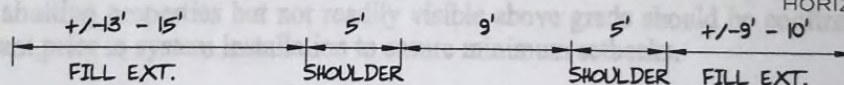
Finished Grade Elevation
Top of Distribution Pipe or Proprietary Device
Bottom of Disposal Area

SEE
DETAIL
BELOW

ELEVATION REFERENCE POINT
Location & Description 6" DIA. FLAGGED
SPRUCE, NAIL 48" ABOVE BASE
Reference Elevation is: 0.0' or ----

SCALE:
VERTICAL: 1" = 5 FT
HORIZONTAL: 1" = 10 FT

DISPOSAL AREA CROSS SECTION



STANDARD CAPACITY
PLASTIC CHAMBER

3' 3'
CROWN AT 3%

GRAVELLY COARSE SAND

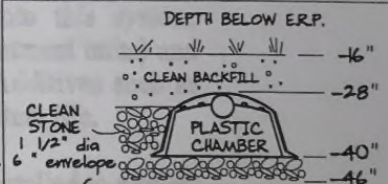
CAP TOE OF FILL
WITH SANDY LOAM
MATERIAL TO PREVENT
WASTEWATER BREAKOUT

EXISTING GRADE

SCARIFY (SEE NOTE ABOVE)

EXISTING GRADE

1 1/2 INCH CLEAN CRUSHED STONE
(6" AROUND AND BENEATH CHAMBER UNITS)

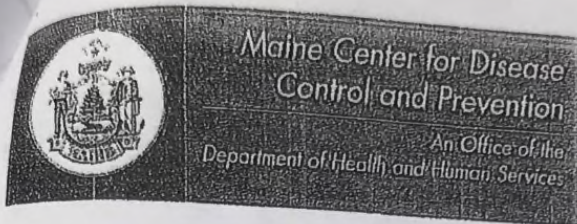


Site Evaluator Signature

352
SE *

Date

Page 3 of 3
HHE-200 Rev. 02/11



Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel: (207) 287-5672
Fax: (207) 287-4172; TTY: 1-800-606-0215

SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE REQUEST

This form must accompany an application (HHE-200 Form) for any subsurface wastewater disposal system which requires a variance to provisions of the Subsurface Wastewater Disposal Rules. The Local Plumbing Inspector must not issue a permit for the installation of a subsurface wastewater disposal system requiring a variance from the Department of Health and Human Services until approval has been received from the Department.

GENERAL INFORMATION

Town of Harpwell
Property Owner's Name: Ryan Nesbit Tel. No.: 254-9466
System's Location: Long Point Road, Harpswell
Property Owner's Address: 312 Gibbs Road, Wiscasset ME Zip Code 04578
e-mail address: _____

The subsurface wastewater disposal system design for the subject property requires a ☐ replacement system variance ☒ first time system variance to the Subsurface Wastewater Disposal Rules. This variance requires ☐ local approval ☒ local and state approval.

SPECIFIC VARIANCE REQUESTED (To be filled in by Site Evaluator. Use additional sheets if needed.)

	SECTION OF RULE
1. <u>To allow a system less than 15' to limiting factor within Shoreland Zone</u>	<u>7</u>
2. <u>66' +/- & 84' to existing wells</u>	<u>7</u>
3. <u>10' to proposed dwelling with full foundation</u>	<u>7</u>

SITE EVALUATOR

When a property is found to be unsuitable for subsurface wastewater disposal by a licensed Site Evaluator, the Evaluator shall so inform the property owner. If the property owner, after exploring all other alternatives, wishes to request a variance to the Rules, and the Evaluator in his professional opinion feels the variance request is justified and the site limitations can be overcome, he shall document the soil and site conditions on the Application. The Evaluator shall list the specific variances necessary plus describe below the proposed system design and function. The Evaluator shall further describe how the specific site limitations are to be overcome, and provide any other support documentation as required prior to consideration by the Department. Attach a separate sheet if necessary.

System design utilizes advanced tertiary treatment to compensate for reduced setbacks.

I, Brady Frick, S.E., certify that a variance to the Rules is necessary since a system cannot be installed which will completely satisfy all the Rule requirements. In my judgment, the proposed system design on the attached Application is the best alternative available; enhances the potential of the site for subsurface wastewater disposal; and that the system should function properly.

Brady Frick
SIGNATURE OF SITE EVALUATOR

7/13/18
DATE

PROPERTY OWNER

I, Jonathan Ryan Nesbit, am the ☐ owner ☒ agent for the owner of the subject property. I understand that the installation on the Application is not in total compliance with the Rules. Should the proposed system malfunction, I release all concerned provided they have performed their duties in a reasonable and proper manner, and I will promptly notify the Local Plumbing Inspector and make any corrections required by the Rules. By signing the variance request form, I acknowledge permission for representatives of the Department to enter onto the property to perform such duties as may be necessary to evaluate the variance request.

Jonathan Ryan Nesbit
☐ SIGNATURE OF OWNER
☒ AGENT FOR THE OWNER

7/31/18
DATE

LOCAL PLUMBING INSPECTOR - Approval at local level

The local plumbing inspector shall review all variance requests prior to rendering a decision.
I, _____, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☐ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☐ do ☐ do not) approve the requested variance. I (☐ will ☐ will not) issue a permit for the system's installation as proposed by the application.

LPI Signature

Date

LOCAL PLUMBING INSPECTOR - Referral to the Department

The local plumbing inspector shall review all variance requests prior to forwarding to the Division of Environmental Health.
I, WILLIAM WELLS, the undersigned, have visited the above property and find that the variance request submitted by the applicant does not conform with certain provisions of the wastewater disposal rules. The variance request submitted by the applicant is the best alternative for a subsurface wastewater disposal system on this property. The proposed system (☐ does ☒ does not) conflict with any provisions controlling subsurface wastewater disposal in the shoreland zone. Therefore, I (☒ do ☐ do not) recommend the issuance of a permit for the system's installation as proposed by the application.

William Wells
LPI Signature

7/31/18
Date

FOR USE BY THE DEPARTMENT ONLY

The Department has reviewed the variance(s) and ☒ does ☐ does not give its approval. Any additional requirements, recommendations, or reasons for the Variance denial, are given in the attached letter.

James A. Jacobson
SIGNATURE OF THE DEPARTMENT

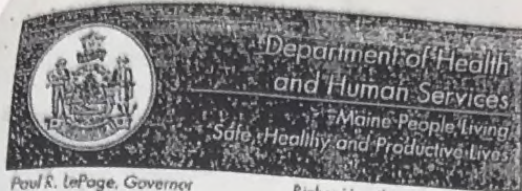
08/01/2018
DATE

- Notes: 1. Variances for soil conditions may be approved at the local level as long as the total point assessment is at least the minimum allowed. (See Section 7.B.4 of the Subsurface Wastewater Disposal Rules for Municipal Review.)
2. Variances for other than soil conditions or soil conditions beyond the limit of the LPI's authority are to be submitted to the Department for review. (See Section 7.B.3 for Department Review.) The LPI's signature is required on these variance requests prior to sending them to the Department.

**SOIL, SITE AND ENGINEERING FACTORS FOR FIRST TIME SYSTEM VARIANCE ASSESSMENT
WITH LIMITING SOIL DRAINAGE CONDITIONS (SEE TABLES 7C THROUGH 7M).**

	CHARACTERISTIC	POINT ASSESSMENT
Soil Profile		
Depth to Groundwater/Restrictive Layer		
Terrain		
Size of Property		
Waterbody Setback		
Water Supply		
Type of Development		
Disposal Area Adjustment		
Vertical Separation Distance		
Additional Treatment		
TOTAL POINT ASSESSMENT:		

Minimum Points (Check One): ☐ Outside Shoreland Zone-50 ☐ Inside Shoreland Zone-65 ☐ Subdivision-65



Paul R. LePage, Governor
Tel. (207) 287-2070

Ricker Hamilton, Commissioner

Department of Health and Human Services
Maine Center for Disease Control and Prevention
286 Water Street
11 State House Station
Augusta, Maine 04333-0011
Tel.: (207) 287-8016; Fax: (207) 287-9058
TTY Users: Dial 711 (Maine Relay)
Fax (207) 287-4172

Drinking Water Program

SUBSURFACE WASTEWATER DISPOSAL SYSTEM VARIANCE
DEED COVENANT

To Property Owner: Complete and record this form with your County Registry of Deeds. Afterward, submit a copy of the recorded covenant to the Local Plumbing Inspector and the Department of Health and Human Services, Division of Environmental Health, #11 State House Station, Augusta, Maine 04333-0011.

To County Registrar: Please cross reference by book and page number: Book 8126 Page 282

Address of Property with Disposal System: Long Point Rd. Harpswell, ME

(Incl. Municipal Book & Page No.) _____

Stipulations of Covenant:

1. Modifications to the system specified in the HHE-200 Form dated 07/13/2018 by Brady Frick, S.E. required to remedy issues which arise due to a lack of proper maintenance must meet First Time Criteria found in the Subsurface Wastewater Disposal Rules and require Department of Health and Human Services approval. Replacement criteria found in the Maine Subsurface Wastewater Disposal Rules are not applicable.
2. Expansions or changes in use of the structure served by the system specified in the HHE-200 Form dated 07/13/2018 by Brady Frick, S.E., S.E. as defined by the Maine Subsurface Wastewater Disposal Rules are not allowed without prior Department of Health and Human Services approval.
3. Properly functioning advanced tertiary treatment will always be required as a condition of occupancy and use of the structure served by the system specified in the HHE-200 Form dated 07/13/2018 by Brady Frick, S.E., absent connection to a municipal or other offsite sewage collection and treatment system.

I/We Jonathan Nesbitt, Owner(s) of the property located at
Print Name(s)

Long Point Street, Harpswell, ME the deed of which
Town/City

is recorded in Book # 8126, page # 282, hereby acknowledge that the installation of a subsurface sewage disposal system on the aforesaid property required a waiver which has been approved by the State of Maine, Department of Health and Human Services.

Signature _____ Date 10/29/18

Signature X X X Date X X

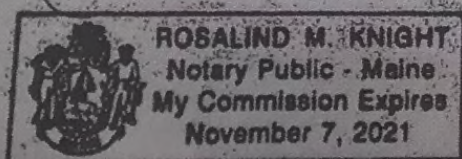
State of Maine

County of Cumberland, ss. Date 10-29-18

Then personally appeared the above named JONATHAN NESBITT

(and X X X) and (severally) acknowledged the foregoing instrument to be his (or their) free act and deed.

Before me, Rosalind M. Knight
Justice of the Peace or Notary Public



Received
Recorded Register of Deeds
May 06, 2019 03:53:22P
Cumberland County
Nancy A. Lane

HHE-304a Rev 07/18

SEAL

ATTACHMENT 5



Certificate of Occupancy



Jurisdiction of Harpswell Maine

This structure or portion of structure as described below has been inspected for compliance with the Maine Uniform Building and Energy Code (MUBEC) and is hereby issued a certificate of occupancy.

Building Permit #19-051

Internal Plumbing #P19-120

Septic #P19-48

Map #37 / Lot #71

Description of applicable portion of structure: Construction of new seasonal single family dwelling

Name of Owner: Ryan Nesbitt

Address of the structure: 454 Long Point Road Harpswell ME

Date of Certificate: February 4, 2020



Building Official:

Code Enforcement Officer/LPI
Town of Harpswell Maine

ATTACHMENT 6

HOUSE DETAIL

Small House, 1985



ATTACHMENT 7

